

EXHIBIT 1

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

Civil Division

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

AUG 13 2019

JAMES N. HATTEN, Clerk

By: J. Brannon Deputy ClerkDouglas Emery Adams

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Equifax, Inc., et al

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

1:19-CV-3682

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|--------------------|------------------------------|
| Name | <u>Douglas Emery Adams</u> |
| Street Address | <u>c/o 519 Colgate Drive</u> |
| City and County | <u>Allen, Collin County</u> |
| State and Zip Code | <u>Texas [75013]</u> |
| Telephone Number | <u>214-664-8112</u> |
| E-mail Address | <u>dadams06@gmail.com</u> |

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

Defendant No. 1

| | |
|----------------------------------|---------------------------------|
| Name | Equifax, Inc. |
| Job or Title <i>(if known)</i> | |
| Street Address | 1550 Peachtree Street Northwest |
| City and County | Atlanta, Fulton County |
| State and Zip Code | Georgia 30309 |
| Telephone Number | 404-885-8000 |
| E-mail Address <i>(if known)</i> | |

Defendant No. 2

| | |
|----------------------------------|--|
| Name | |
| Job or Title <i>(if known)</i> | |
| Street Address | |
| City and County | |
| State and Zip Code | |
| Telephone Number | |
| E-mail Address <i>(if known)</i> | |

Defendant No. 3

| | |
|----------------------------------|--|
| Name | |
| Job or Title <i>(if known)</i> | |
| Street Address | |
| City and County | |
| State and Zip Code | |
| Telephone Number | |
| E-mail Address <i>(if known)</i> | |

Defendant No. 4

| | |
|--------------------------------|--|
| Name | |
| Job or Title <i>(if known)</i> | |
| Street Address | |
| City and County | |
| State and Zip Code | |
| Telephone Number | |

E-mail Address *(if known)* _____**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal question☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* Douglas Emery Adams, is a citizen of the
State of *(name)* Texas.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of
the State of (name) _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) Equifax, Inc., is incorporated under
the laws of the State of (name) Georgia, and has its
principal place of business in the State of (name) Atlanta.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

Equifax, Inc. has willingly, knowingly, intentionally, or voluntarily agreed and acquiesced through its non-response to the facts stated in the Conditional Acceptance/ Affidavits sent, and is therefore in default under contract. Equifax has also admitted to the data breach which has affected and injured me personally.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See attached exhausted/ completed administrative remedy/ procedure: Conditional Acceptance, Notice of Fault & Opportunity to Cure and subsequent Affidavit and Notice of Default. Plaintiff has exhausted his/her private Administrative remedy/ procedure and through the Defendants non-response, acceptance and commercial acquiescence of the facts as outlined in the Affidavit and Notice of Default. Defendants were afforded commercial grace and an opportunity to provide the requested proofs of claims and failed to provide proof of claim as enumerated in the Conditional Acceptance sent to Defendant via certified mail # 7018 2290 0002 2315 0217 and received by Defendant on March 28th, 2019. Defendants were then sent a Notice of Fault and Opportunity to Cure the fault and failed to respond. Through Defendants non-response and silence, the Defendants have quietly agreed to all of the facts as outlined in the Notice of Default. Therefore the Plaintiff states a superior claim upon which relief can be granted and the Defendants fail to state a claim upon which relief can be granted.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff prays for relief as follows \$75,000,000.00 aged to and acquiesced by Equifax, Inc through the Plaintiff exhasuting his/her private amdministrative remedy through request proofs of claim, Equifax, Inc's subsequent non-response to the Notice of Fault and Opportunity to Cure and subsequent non-response and subsequent Default as a result of Equifax, Inc. willful failure to respond. Plaintiff also pray for triple damages, punitive damages and all court costs.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 07/29/2019

Signature of Plaintiff

Printed Name of Plaintiff


Douglas Emery Adams

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

State and Zip Code

Telephone Number

E-mail Address

Conditional Acceptance # CA-090817-EQUIFAX

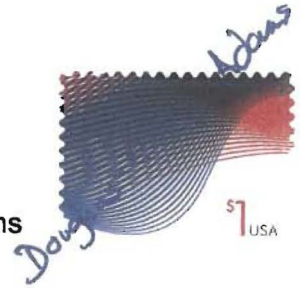
#1

Certified Mail No. 7018 2290 0002 2315 0271

Monday, March 25, 2019

To: Mark Begor, CEO
EQUIFAX, INC.
1550 PEACHTREE ST NW
ATLANTA, GA, 30309-2468

From: Douglas-Emery: Adams
519 Colgate Drive
Allen, Texas [75013]
Non-Domestic / Non Assumpsit



RE: CONDITIONAL ACCEPTANCE (CA) - REQUEST FOR PROOF OF CLAIM AS TO THE LIABILITY OF EQUIFAX, INC. FOR THE FRAUDULENT BREACH OF THE PERSONAL DATA OF 148 MILLION AMERICANS INCLUDING MYSELF, THE UNDERSIGNED, AS REPORTED ON SEPTEMBER 8, 2017 BY EQUIFAX, INC.

Dear Equifax, Inc.

I'm am a victim of the fraudulent data breach that occurred at your company and was reported six months later on September 8, 2017. I am personally, financially, socially and economically injured by this data breach in that I now DO NOT know who may have my personal data or where my data is being used as a result of the fraudulent data breach at Equifax, Inc. reported on September 8, 2017. I seek Proof of Claim in the nature of exhausting my private administrative remedy from your Office as to the torts committed by Equifax, Inc. against my estate. I want to resolve this matter as soon as possible and I can only do so conditioned upon you Equifax, Inc. providing Proof of Claim.

As necessary, the Proofs of Claim are enumerated below:

1. PROOF OF CLAIM that on September 8, 2017 Equifax, Inc. did NOT report that over 148 Million Americans' personal data housed by Equifax, Inc. had been stolen and/or compromised.
2. PROOF OF CLAIM that Equifax, Inc. did NOT know of said data breach six months before reporting said data breach on September 8, 2017.
3. PROOF OF CLAIM that Equifax, Inc. did NOT intentionally try to cover up the data breach only to be forced to reveal said data breach six months after the breach actually occurred.
4. PROOF OF CLAIM that Equifax, Inc. protected my personal data and did NOT allow my personal data to be breached and stolen by unknown entities.
5. PROOF OF CLAIM that Equifax, Inc. knows exactly where the personal data of 148 Million Americans is.
6. PROOF OF CLAIM that Equifax, Inc. knows exactly who stole the personal data of 148 Million Americans.
7. PROOF OF CLAIM that Equifax, Inc. is NOT liable to the 148 Million Americans whose data was stolen as a result of the data breach at Equifax, Inc. reported on September 8, 2017.
8. PROOF OF CLAIM that Equifax, Inc. HAS corrected ALL security lapses and has taken ALL security measures possible to ensure that this data breach will not happen again.

Conditional Acceptance # CA-010819-EQUIFAX

9. PROOF OF CLAIM that the U.S. General Accounting Office (GAO) did NOT on September 8, 2018 release a comprehensive report examining the reasons for the massive breach of personal information from Equifax, Inc.

10. PROOF OF CLAIM that the U.S. General Accounting Office (GAO) report did NOT summarize an array of errors inside the company, largely related to a failure to use well-known security best practices and a lack of internal controls and routine security reviews.

11. PROOF OF CLAIM that through the fraudulent data breach at Equifax, Inc I have NOT been personally injured and my ability to obtain credit has NOT been negatively affected resulting in economic hardships.

12. PROOF OF CLAIM that Equifax, Inc is NOT liable to me for damages no less than a minimum of \$75,000,000.00 Seventy Five Million Dollars including triple damages and costs.

The undersigned must ask, "What is my remedy?"

The undersigned respectfully requests that you, Equifax, Inc. reply within ten (10) days by providing Proof of Claim for all twelve items, both to the undersigned and to the Notary's address below.

A non-response and or failure to provide Proof of Claim will constitute agreement by you, and that the undersigned can exercise the remedy provided by all applicable laws, federal, state and local. Your non-response will equate to commercial acquiescence to the terms outlined by the undersigned in a final Affidavit and Notice of Default.

Sincerely,
Without Prejudice

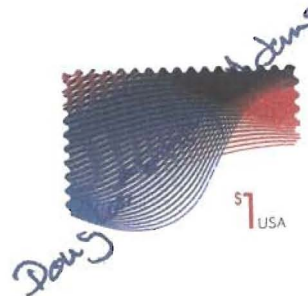
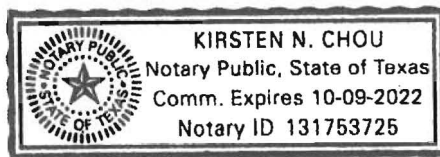
Douglas-Emerly Adams

ACKNOWLEDGEMENT

As a Notary Public for said County and State, I do hereby certify that on this 25 day of March, 2019, that Douglas-Emerly Adams, the above mentioned, appeared before me and executed the foregoing. Witness my hand and seal:

Kirsten N. Chou
Notary Public
My commission expires 10-09-2022

Third Party address (Notary):
Kirsten N. Chou
7801 Alma Drive #105
Plano, Texas 75025



SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Mark Begor, CEO
EQUIFAX, INC.
1550 PEACHTREE ST NW
ATLANTA, GA, 30309-2468



9590 9402 4577 8278 7858 51

2. Article Number (Transit)

7018 2290 0002 2315 0271

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☐ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Insured Mail Restricted Delivery☐ Insured Mail (over \$500)☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

ATLANTA, GA 30309

Certified Mail Fee \$3.50

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.80☐ Return Receipt (electronic) \$0.00☐ Certified Mail Restricted Delivery \$0.00☐ Adult Signature Required \$0.00☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.15

Total Postage and Fees \$7.45

Sent To Mark Begor % Equifax Inc

Street and Apt. No., or PO Box No. 1550 Peachtree St NW

City, State, ZIP+4® Atlanta GA 30309-2468

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

NORTHWEST PLANO
3905 HEDGCOX RD
PLANO
TX

75025-9998

4871130016

03/25/2019

(800)275-8777

9:13 AM

Product
Description

Sale
Qty

Final
Price

First-Class Mail 1 \$1.15

Large Envelope

(Domestic)

(ATLANTA, GA 30309)

(Weight: 0 Lb 1.10 Oz)

(Estimated Delivery Date)

(Thursday 03/28/2019)

Certified 1 \$3.50

((USPS Certified Mail #)

(70182290000223150271)

Return 1 \$2.80

Receipt

((USPS Return Receipt #)

(9590 940245778278785851)

Total \$7.45

Debit Card Remit \$7.45

(Card Name: Debit Card)

(Account #: XXXXXXXXXXXX3742)

(Approval #:)

(Transaction #: 201)

(Receipt #: 020136)

(Debit Card Purchase: \$7.45)

(Cash Back: \$0.00)

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

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Track your Packages
Sign up for FREE @
www.informedelivery.com

Conditional Acceptance # CA-010819-EQUIFAX

#2

Certified Mail No. 7018 1830 0000 0042 7342

Thursday, April 4, 2019

To: Mark Begor, CEO
EQUIFAX, INC.
1550 PEACHTREE ST NW
ATLANTA, GA, 30309-2468

From: Douglas-Emery: Adams
519 Colgate Drive
Allen, Texas [75013]
Non-Domestic / Non Assumpsit

RE: CONDITIONAL ACCEPTANCE (CA) - REQUEST FOR PROOF OF CLAIM AS TO THE LIABILITY OF EQUIFAX, INC. FOR THE FRAUDULENT BREACH OF THE PERSONAL DATA OF 148 MILLION AMERICANS INCLUDING MYSELF, THE UNDERSIGNED, AS REPORTED ON SEPTEMBER 8, 2017 BY EQUIFAX, INC.

Notice of Fault and Opportunity to Cure and Contest Acceptance

Dear Equifax, Inc:

The undersigned caused to be sent to you a CONDITIONAL ACCEPTANCE FOR PROOF OF CLAIM (CA), sent you on March 25th, 2019.

You failed to perform after receiving these presentments and you failed to perform by providing the requested and necessary PROOFS OF CLAIM after receiving the said Conditional Acceptance from the undersigned.

As the Respondent, you are now in fault and you are in agreement and have stipulated to the terms of the undersigned's dated presentment through your dishonor. You have the right to cure this fault and perform according to said terms within the ten (10) days from the postmark of this Notice.

Should you fail to cure your fault, I will establish an affidavit of default, agreement and failure to contest acceptance, and obtain a FINAL AFFIDAVIT OF CERTIFICATE OF NON-RESPONSE pursuant to and relative to UCC, State Statute, Federal Laws and otherwise.

Thank you for your prompt attention to this matter.

I declare under penalty of Perjury WITHOUT the United States that the above is the truth the whole truth and nothing but the truth to the best of my knowledge and overstanding.

Sincerely,
Without Prejudice



Third Party address (Notary):
Kirsten N. Chou
7801 Alma Drive #105
Plano, Texas 75025

| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|---|--|---|--|
| <p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Mark Begor, CEO EQUIFAX, INC. 1550 PEACHTREE ST NW ATLANTA, GA, 30309-2468</p> <p>2. Article Number (PSN 7530-02-000-9053)</p> <p>7018 1830 0000 0042 7324</p> | | <p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Address</p> <p><i>[Signature]</i></p> <p>B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery <i>4/11/19</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail Restrict <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restrict <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p>Delivery Restricted Delivery all Restricted Delivery (over \$500)</p> | |

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

=====

NORTHWEST PLANO
 3905 HEDGCOXE RD
 PLANO
 TX
 75025-9991
 4871130000

04/04/2019 (800)2 3777 8:48 AM

=====

| Product Description | Sale Qty | Final Price |
|---------------------|----------|-------------|
|---------------------|----------|-------------|

| | | |
|------------------|---|--------|
| First-Class Mail | 1 | \$1.00 |
|------------------|---|--------|

Large Envelope
 (Domestic)
 (ATLANTA, GA 30309)
 (Weight: 0 Lb 0.90 Oz)
 (Estimated Delivery Date)
 (Monday 04/08/2019)

| | | |
|-----------|---|--------|
| Certified | 1 | \$3.50 |
|-----------|---|--------|

(2USPS Certified Mail #)
 (70181830000000427324)

| | | |
|----------------|---|--------|
| Return Receipt | 1 | \$2.80 |
|----------------|---|--------|

(2USPS Return Receipt #)
 (9590940247098323226787)

| | |
|-------|--------|
| Total | \$7.30 |
|-------|--------|

| | |
|--------------------|--------|
| Credit Card Remitd | \$7.30 |
|--------------------|--------|

(Card Name: VISA)
 (Account #: XXXXXXXXXXXX0124)
 (Approval #: 004757)
 (Transaction #: 817)
 (AID: A0000000031010)
 (AL: VISA CREDIT)
 (PIN: Not Required)

Chip

Text your tracking number to 28777
 (2USPS) to get the latest status.
 Standard Message and Data rates may
 apply. You may also visit www.usps.com
 USPS Tracking or call 1-800-222-1811.

In a hurry? Self-service kiosks offer

7018 1830 0000 0042 7324

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com.

ATLANTA, GA 30309

OFFICIAL USE

| | |
|--|--------|
| Certified Mail Fee | \$3.50 |
| Extra Services & Fees (check box, add fee as appropriate) | \$2.80 |
| <input type="checkbox"/> Return Receipt (hardcopy) | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |
| Postage | \$1.00 |
| Total Postage and Fees | \$7.30 |

0016
17

Postmark Here

04/04/2019

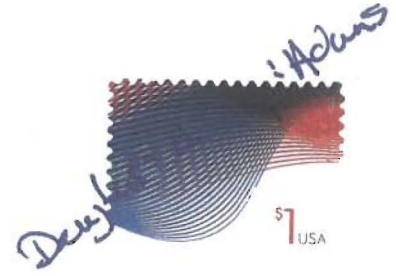
Sent To *Mark Begor, CEO*
 Street and Apt. No., or PO Box No. *Equifax Inc. 1550 Peachtree St*
 City, State, ZIP+4® *Atlanta GA 30309-2468*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Conditional Acceptance # CA-010819-EQUIFAX

#3

Certified Mail No. 7018 1830 0000 0042 7348



Monday, April 15, 2019

To: Mark Begor, CEO
EQUIFAX, INC.
1550 PEACHTREE ST NW
ATLANTA, GA, 30309-2468

From: Douglas-Emery: Adams
519 Colgate Drive
Allen, Texas [75013]
Non-Domestic / Non Assumpsit

RE: CONDITIONAL ACCEPTANCE (CA) - REQUEST FOR PROOF OF CLAIM AS TO THE LIABILITY OF EQUIFAX, INC. FOR THE FRAUDULENT BREACH OF THE PERSONAL DATA OF 148 MILLION AMERICANS INCLUDING MYSELF, THE UNDERSIGNED, AS REPORTED ON SEPTEMBER 8, 2017 BY EQUIFAX, INC.

AFFIDAVIT AND NOTICE OF DEFAULT

State of Texas)
) ss
County of Collin)

**NOTICE TO AGENT IS NOTICE TO PRINCIPAL
NOTICE TO PRINCIPAL IS NOTICE TO AGENT**

**"Indeed, no more than (affidavits) is necessary to make the prima facie case."
United States v. Kis, 658 F.2nd, 526, 536 (7th Cir. 1981); Cert Denied, 50 U.S. L.W.
2169; S.Ct. March 22, 1982**

I, Heather Adams, herein 'Affiant,' a living breathing man/woman, being first duly sworn, depose, say and declare by my signature that the following facts are true, correct and complete to the best of my knowledge and belief.

1. THAT, Affiant is competent to state the matters included in his/her declaration, has knowledge of the facts, and declares that to the best of his/her knowledge, the statements made in his affidavit are true, correct, and not meant to mislead.

2. THAT, Affiant (via Notary) sent a Conditional Acceptance requesting Proofs of Claim to Equifax, Inc. on March 25th, 2019.

3. THAT, Respondent, Equifax, Inc., is herein addressed in its public capacity as a Corporation and hereinafter collectively referred to as "Respondent".

4. THAT, Equifax, Inc. has willingly, knowingly, intentionally, or voluntarily agreed and acquiesced through its non-response to the facts stated herein.

5. THAT, on September 8, 2017 Equifax, Inc. DID report that over 148 Million Americans' personal data housed by Equifax, Inc. had been stolen and/or compromised.

6. THAT, Equifax, Inc. DID know of said data breach six months before reporting said data breach on September 8, 2017.

Conditional Acceptance # CA-010819-EQUIFAX

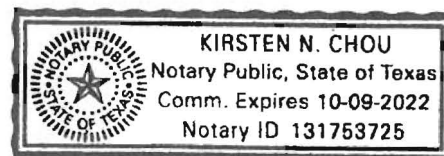
7. THAT, Equifax, Inc. DID intentionally try to cover up the data breach only to be forced to reveal said data breach six months after the breach actually occurred.
8. THAT, Equifax, Inc. DID NOT protect my personal data and DID allow my personal data to be breached and stolen by unknown entities.
9. THAT, Equifax, Inc. DOES NOT know exactly where the personal data of 148 Million Americans is.
10. THAT, Equifax, Inc. DOES NOT know exactly who stole the personal data of 148 Million Americans.
11. THAT, Equifax, Inc. IS liable to the 148 Million Americans whose data was stolen as a result of the data breach at Equifax, Inc. reported on September 8, 2017.
12. THAT, Equifax, Inc. HAS NOT corrected ALL security lapses and has NOT taken ALL security measures possible to ensure that this data breach will not happen again.
13. THAT, the U.S. General Accounting Office (GAO) DID on September 8, 2018 release a comprehensive report examining the reasons for the massive breach of personal information from Equifax, Inc.
14. THAT, the U.S. General Accounting Office (GAO) report DID summarize an array of errors inside the company, largely related to a failure to use well-known security best practices and a lack of internal controls and routine security reviews.
15. THAT Equifax, Inc. CONTINUES to subject 148 Million Americans to the risk of having their personal data compromised and/or stolen again.
16. THAT Equifax, Inc. HAS personally injured me and my ability to obtain credit resulting in economic hardship.
17. THAT Equifax, Inc IS liable to me and each of the 148 Million Americans for damages no less than a minimum of \$75,000,000.00 Seventy-Five Million Dollars including triple and punitive damages and costs.

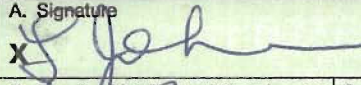
Further Affiant sayeth not.

Dated this Monday, April 15, 2019

Sincerely,
Without PrejudiceDouglas-Emerly Adams
ACKNOWLEDGEMENT

As a Notary Public for said County and State, I do hereby certify that on this 15 day of April, 2019 that Douglas-Emerly Adams, the above mentioned, appeared before me and executed the foregoing. Witness my hand and seal:

Kirsten N. Chou
Notary PublicMy Commission expires 10-09-2022

| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | | | | | | | | | | | | | | | | | |
|--|---|---|--|--|---|--|---|---|--|---|---|--|--|--|---|-------------------------------|--|--|--|
| <p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Mark Begor, CEO EQUIFAX, INC. 1550 Peachtree Street NW ATLANTA, GA, 30309-2468</p> | | <p>A. Signature </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) L. Johnson</p> <p>C. Date of Delivery 4-22-19</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> | | | | | | | | | | | | | | | | | |
| <p>2. Article Number (Transfer from service label) 7018 1830 0000 0042 7348</p> | | <p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table> | | <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® | <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ | <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery | <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ | <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery | <input type="checkbox"/> Mail | | <input type="checkbox"/> Mail Restricted Delivery (over \$500) | |
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Mail | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Mail Restricted Delivery (over \$500) | | | | | | | | | | | | | | | | | | | |

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

FRISCO
8700 STONEBROOK PKWY
FRISCO
TX
75034-9998
4833050034
04/16/2019 (800)275-8777 10:02 AM

| Product Description | Sale Qty | Final Price |
|---|----------|-------------|
| First-Class Mail Large Envelope (Domestic) (ATLANTA, GA 30309) (Weight: 0 Lb 1.70 Oz) (Estimated Delivery Date) (Friday 04/19/2019) | 1 | \$1.15 |

| | | |
|--|---|--------|
| Certified Mail | 1 | \$3.50 |
| (USPS Certified Mail #) (70181830000000427348) | | |
| Return Receipt | 1 | \$2.80 |
| (USPS Return Receipt #) (95909401 323226770) | | |

Total \$7.45

Debit Card Remit'd \$7.45
(Card Name: VISA)
(Account #: XXXXXXXXXXXX3742)
(Approval #:)
(Transaction #: 252)
(Receipt #: 017475)
(Debit Card Purchase: \$7.45)
(Cash Back: \$0.00)
(AID: A0000000980840 Chip)
(AL: US DEBIT)
(PIN: Verified)

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

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ATLANTA, GA 30309

OFFICIAL USE

| | |
|--|--------|
| Certified Mail Fee | \$3.50 |
| Extra Services & Fees (check box, add fee in appropriate column) | |
| <input type="checkbox"/> Return Receipt (hardcopy) | \$2.80 |
| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |
| Postage | \$1.15 |
| Total Postage and Fees | \$7.45 |

Sent To **Mark Begor, CEO**
EQUIFAX, INC.
Atlanta, GA 30309-2468

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



#4

AFFIDAVIT OF CERTIFICATE OF NON-RESPONSE

State of Texas)
 County of Collin) ss

Re: Non-Response to Private Conditional Acceptance for Proof of Claim to Exhaust a Private Administrative Remedy initiated by Douglas - Emery Adams

"Indeed, no more than (affidavits) is necessary to make the prima facie case." United States vs Kis, 658 F.2nd, 526, 536 (7th Cir. 1981); Cert Denied, 50 U.S. L.W. 2169; S. Ct. March 22, 1982

That I, Kirsten N. Chou (Notary), a living breathing man (or woman), being first duly sworn, depose and say and declare by my signature that the following facts are true to the best of my knowledge and belief.

I, Kirsten N. Chou (Notary), the undersigned, a Third Party, not a party to the matter, certify that a Conditional Acceptance and Request for Proof of Claim was sent by the undersigned to Equifax, Inc. via Certified Mail Number 7018 2290 0002 2315 on March 25th, 2019.

I, Kirsten N. Chou (Notary), the undersigned, a Third Party, not a party to the matter, certify that a Notice of Fault and Opportunity to Cure was sent by the undersigned to Equifax, Inc. via Certified Mail Number 7018 1830 0000 0042 7324 on April 4th, 2019.

I certify that I have reviewed the original documents of the above party and the mail receipts for the mailings.

Per the documents as mailed, request was made to the Respondent to send a RESPONSE being the requested Proof of Claim(s) to the above party and to the undersigned's address/office. As the Conditional Acceptance and Notice of Fault and Opportunity to Cure were presented, Respondent failed to cure the Fault. An affidavit in support of the default was executed in the matter.

Therein, no such RESPONSE was sent and/or received at the undersigned's address/office for conclusion to the above party's private administrative process.

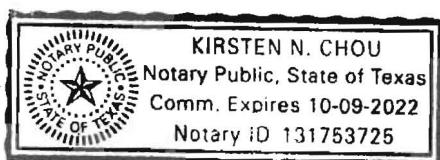
Said RESPONSE was requested within a specific time period (10 DAYS) with an additional 3 days for return mail per each document.

THEREFORE; I, Kirsten N. Chou (Notary) certify that the Respondent, Equifax, Inc., refused or failed to RESPOND to the above party's Private Conditional Acceptance and Request for Proof of Claim, and failed to cure within the time stipulated under necessity, and therefore is in full agreement.

Dated this 25 day of June, 2019
 Without Prejudice

Kirsten N. Chou
 Notary

Douglas - Emery Adams
 Referenced Party



CIVIL COVER SHEET

1:19-CV-3682

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the rules of court provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Douglas emery Adams

(b) County of Residence of First Listed Plaintiff **Collin County, Texas**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Eqifax, Inc, et al.

County of Residence of First Listed Defendant **Fulton County, Georgia**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input checked="" type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|--|--|---|---|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | PERSONAL INJURY <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending. <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
18 USC Sec. 1028A

Brief description of cause:
Aggravated Identity Theft, Identity Theft

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 75,000,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

AUG 27 2019

JAMES N. HATTEN, Clerk

By:

Deputy Clerk

United States District Court
District of Columbia**Douglas-Emery: Adams***Plaintiff***Civil Case No. 1:19-cv-03682-TWT**

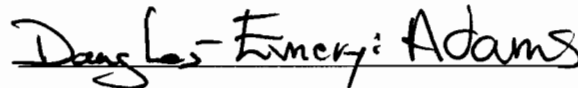
v.

Equifax, Inc. et al.*Defendant***Plaintiffs' Motion for Summary Judgment**

Plaintiffs move for summary judgment on all counts in their Verified Complaint for Declaratory and Injunctive Relief (Doc. 1) and request oral argument. In support, Plaintiffs file herewith

- Plaintiffs' Memorandum Supporting Their Motion for Summary Judgment,
- Plaintiffs' Statement of Undisputed Facts, Conditional Acceptance, Notice of fault and Opportunity

Respectfully submitted,

**Douglas-Emery: Adams***Plaintiff***dadams06@gmail.com****214-664-8112****519 Colgate Drive****Allen, Texas 75013**

**Plaintiffs' Summary-Judgment Motion
Certificate of Service**

I certify that on August 13th, 2019, I filed the foregoing with the Clerk of the Court, which will notify:

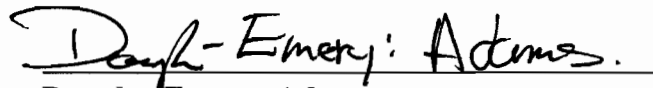
Norman E. Seigel
Stueve Siegel Hanson LLP
460 Nichols Rd
Suite 200
Kansas City, MO 64112

Roy E. Barnes
Barnes Law Group, LLC
31 Atlanta St SE
Marietta, GA 30060

Amy E. Keller
Ten North
Dearborn Street
Eleventh Floor
Chicago, Illinois 60602

Kenneth S. Canfield
1355 W Peachtree St NE
Suite 1725
Atlanta, GA 30309

Counsel for Defendant
Equifax, Inc.
1550 Peachtree Street NW
Atlanta, Georgia 30309


Douglas Emery: Adams
Plaintiff

**United States District Court
District of Columbia**

Douglas Emery: Adams

Plaintiff

Civil Case No. 1:19-cv-03682-TWT

v.

Equifax, Inc. et al.

, *Defendant*

**Plaintiffs' Memorandum Supporting Their
Motion for Summary Judgment**

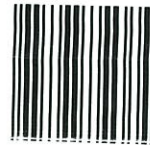
Plaintiff hereby moves the court for summary judgment based on the Defendants Default through their tacit silence and acquiescence to facts stipulated in the attached Conditional Acceptance, Notice of Fault and Opportunity to Cure and subsequent Affidavit and Notice of Default. Plaintiff requests the amount in the attached Conditional Acceptance which the Defendants agreed to through their silence, non-response and acquiescence.

PRESS FIRMLY TO SEAL

PRESS FIRMLY TO SEAL



1007



30303

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PME 1-Day
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75034
AUG 26, 19
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\$28.30
R2304H107837-01

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Package Pickup,
scan the QR code.



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Douglas Adams
519 Colgate Drive
Allen Tx 75013

PAYMENT BY ACCOUNT (if applicable)
USPS® Corporate Acct. No. Federal Agency Acct. No. or Postal Service™ Acct. No.

DELIVERY OPTIONS (Customer Use Only)

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Delivery Options

☐ No Saturday Delivery (delivered next business day)
☐ Sunday/Holiday Delivery Required (additional fee, where available*)
☐ 10:30 AM Delivery Required (additional fee, where available*)
*Refer to USPS.com® or local Post Office™ for availability.

TO: (PLEASE PRINT) **PHONE:** ()

US District Court Clerk
75 Ted Turner Dr NW Suite 2211
Atlanta Ga

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30303

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■ \$100.00 insurance included.



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☒ 1-Day ☐ 2-Day ☐ Military ☐ D

PO ZIP Code 75034 Scheduled Delivery Date (MM/DD/YY) 8-27-19 Postage \$25.50

Date Accepted (MM/DD/YY) 8-26-19 Scheduled Delivery Time ☐ 10:30 AM ☐ 3:00 PM Insurance Fee \$ COD Fee \$

Time Accepted 2:00 PM 10:30 AM Delivery Fee \$ Return Receipt Fee \$2.80 Live Animal Transportation Fee \$

Weight 2.00 lbs. Flat Rate \$ Sunday/Holiday Premium Fee \$ Total Postage & Fees \$28.30

Acceptance Employee Initials

DELIVERY (POSTAL SERVICE USE ONLY)

Delivery Attempt (MM/DD/YY) Time ☐ AM ☐ PM Employee Signature

Delivery Attempt (MM/DD/YY) Time ☐ AM ☐ PM Employee Signature

LABEL 11-B, JANUARY 2014 PSN 7690-02-000-9996 1-ORIGIN POST OFFICE COPY



3F Oct 2018
12 1/2 x 9 1/2

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EK902350423US

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CHRISTOPHER EUSTICE,
CATHY EUSTICE,

Plaintiffs,

v.

EQUIFAX INC.,

Defendant.

§
§
§
§
§
§
§
§
§
§

CIVIL CASE NO. 19-2247

NOTICE OF REMOVAL

Defendant, Equifax Inc., by Counsel, hereby files this Notice of Removal of this action from Harris County Justice Court, Precinct 5, Place 1, wherein it is now pending as Cause No. 195100235971, to the United States District Court for the Southern District of Texas. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. In support hereof, Defendant shows this Court as follows:

1. An action was filed on June 10, 2019, in the Harris County Justice Court, Precinct 5, Place 1, entitled *Christopher Eustice; Cathy Eustice v. Equifax, Inc.*, Cause No. 195100235971 (the “State Court Action”).
2. Equifax Inc. was served with the Petition no earlier than June 13, 2019.
3. This Notice is being filed with this Court within thirty (30) days after Equifax Inc. was served with a copy of Plaintiffs’ initial pleading setting forth the grounds for his action and his claims for relief.
4. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1331, in that this is a civil action arising under the Constitution, laws, or treaties of the United States:

(a) Plaintiffs' Petition, on its face, alleges "violation(s) of FCRA" and "violations of the Fair Credit Reporting Act ('FCRA')." (*See* Plaintiffs' Small Claims Petition, attached hereto as Exhibit C).

(b) The FCRA, pursuant to 15 U.S.C. § 1681p, provides that any action alleging a violation of its provisions "may be brought in any appropriate United States district court, without regard to the amount in controversy."

5. Pursuant to 28 U.S.C. § 1441(a), venue of the removal action is proper in the United States District Court for the Southern District of Texas because the county from which the State Court Action is being removed (Harris County) lies within that federal court's jurisdiction.

6. Promptly after the filing of this Notice of Removal, Equifax Inc. shall give written notice of the removal to Plaintiffs and to the Clerk of the Justice Court, Precinct 5, Place 1, Harris County, Texas, as required by 28 U.S.C. § 1446(d).

7. Equifax is the only defendant, and it consents to removal.

8. In accordance with Local Rule 81, the following documents are attached to this Notice of Removal: (a) all executed process in this case; (b) all pleadings and answers; (c) all orders signed by the state judge; (d) the docket sheet; (e) an Index of Matters Being Filed; and (f) a list of all counsel of record.

WHEREFORE, Defendant Equifax Inc. requests that the above-described action be removed to this Court.

Dated: June 21, 2019

KING & SPALDING LLP

/s/ Samantha Ade

Christie Cardon

Attorney In Charge

State Bar No. 24036326

S.D. Tex. Bar No. 567834

KING & SPALDING LLP

1100 Louisiana, Suite 4000

Houston, Texas 77002

(713) 751-3200

(713) 751-3290 – Fax

ccardon@kslaw.com

Samantha Porphy Ade

State Bar No. 24065918

S.D. Tex. Bar No. 2573149

500 West 2nd Street, Suite 1800

Austin, Texas 78701

Phone: (512) 457-2000

Fax: (512) 457-2100

sade@kslaw.com

Attorneys for Defendant Equifax Inc.

CERTIFICATE OF SERVICE

This is to certify that on this 21st day of June, 2019, I electronically filed a true and correct copy of the foregoing with the Clerk of the Court using the CM/ECF system and served same by depositing a copy into the U.S. Mail with appropriate postage affixed to the following:

Christopher Eustice
655 West Forest Drive
Houston, Texas 77079
chris.eustice@sbcglobal.net

/s/ Samantha Porphy Ade
Samantha Porphy Ade

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Christopher Eustice, Cathy Eustice

(b) County of Residence of First Listed Plaintiff Harris County, Texas

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro se, 655 West Forest Drive
Houston, Texas 77063
(832) 259-1634

DEFENDANTS

Equifax Inc.

County of Residence of First Listed Defendant Fulton County, GA

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

King & Spalding LLP - Christie L. Cardon
1100 Louisiana, Suite 4000
Houston, Texas 77002

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|--|--|---|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | |
| | | LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act | | |
| | | IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. Section 1681 et seq.

Brief description of cause:

Violations of the Fair Credit Reporting Act relating to data breach

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
 9,975.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No
VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE In re Equifax; N.D. Ga.; cont'd on table DOCKET NUMBER MDL No. 2800

DATE

06/21/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Samantha Ade

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Table of Related Cases

| Multidistrict litigation proceedings related to the same data security incident that Equifax announced on September 7, 2017. | |
|--|--------------------|
| Case Name | Case Number |
| <i>In re Equifax Inc., Customer Data Security Breach Litigation</i> | MDL No. 2800 |
| The cases listed below allege claims identical to those listed in this case and are being concurrently removed on the same basis. All of these cases were filed in the Justice Court for Harris County, Texas, Precinct 5, Place 1, and were or are concurrently being removed to the Southern District of Texas, Houston Division. | |
| Case Name | Case Number |
| <i>Christopher Eustice, Travis Hubbard v. Equifax Inc.</i> | 195100235975 |
| <i>Christopher Eustice, David Eustice v. Equifax Inc.</i> | 195100235956 |
| The cases listed below alleged similar claims to those listed in this case and have been transferred to MDL No. 2800, <i>In re Equifax Customer Data Security Breach Litigation</i> from the Southern District of Texas | |
| Case Name | Case Number |
| <i>Forrest v. Equifax, Inc.</i> | 4:18-cv-00817 |
| <i>George W. Wilhite v. Equifax Inc.</i> | 4:18-cv-02062 |
| <i>Todd R. Wilhite v. Equifax Inc.</i> | 4:18-cv-02067 |
| <i>Jay Travis Wilhite v. Equifax Inc.</i> | 4:18-cv-02077 |
| <i>Paul William Bishop v. Equifax Inc.</i> | 4:18-cv-02079 |
| <i>Erin Wilhite v. Equifax Inc.</i> | 4:18-cv-02080 |
| <i>Cowherd v. Equifax Inc.</i> | 4:18-cv-02230 |

EXHIBIT A

Christopher Eustice, Cathy Eustice v. Equifax - Index of Matters Being Filed

| Exhibit | Description |
|----------------|---|
| B | All executed process in the State Court Action |
| C | All pleadings in the State Court Action |
| | No answer or signed orders were filed in the State Court Action |
| D | State Court Action docket sheet |
| E | List of all counsel of record |

EXHIBIT B

Case Number: 195100235971

Christopher Eustice; Cathy Eustice
Plaintiff
vs.
Equifax Inc.
Defendant

§
§
§
§
§
§
§

In the Justice Court
Harris County, Texas
Precinct 5, Place 1
6000 Chimney Rock Road
Suite 102
Houston, TX 77081
713-661-2276

Citation (Small Claims Case)

THE STATE OF TEXAS
COUNTY OF HARRIS

**TO: ANY SHERIFF, CONSTABLE, PROCESS SERVER CERTIFIED UNDER ORDER OF THE SUPREME COURT,
OTHER PERSON AUTHORIZED BY COURT ORDER, OR CLERK:**

Deliver this citation, together with a copy of the petition, to:

Equifax Inc.
14755 Preston Rd Ste 525
Dallas TX 75254
Phone Number:

Serve: Prentice-Hall Corporation System
211 E 7th Street, Suite 620
Austin, Tx. 78701-3218

TO THE DEFENDANT:

You have been sued. You are commanded to appear by filing a written answer to the petition filed by Plaintiff with the Clerk of the Court on or before the end of the 14th day after the date of service of this citation. If you fail to file an answer as required, a judgment by default may be rendered for the relief demanded in the petition.

Date Petition Filed: 06/10/2019

Nature of demand made by Plaintiff(s): money owed in the amount of \$9,975.00. A copy of the petition is attached.

Notice

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult the Texas Rules of Civil Procedure, Part V, Rules of Practice in Justice Courts. A copy of the Rules is available at <http://www.jp.hctx.net/> or at the Justice Court.

Date: 6/10/2019



/s/ Stacy Sustaita

Clerk of the Court
Harris County Justice Court
Precinct 5, Place 1

Address of Plaintiff

655 West Forest Dr
Houston TX 77079;
655 West Forest Dr
Houston TX 77079

Address of Plaintiff's Attorney

Christopher Eustice
655 West Forest Dr
Houston TX 77079

Case Number: 195100235971

Christopher Eustice; Cathy Eustice
Plaintiff
vs.
Equifax Inc.
Defendant

§
§
§
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§
§

In the Justice Court
Harris County, Texas
Precinct 5, Place 1
6000 Chimney Rock Road
Suite 102
Houston, TX 77081
713-661-2276

Citation (Small Claims Case)

THE STATE OF TEXAS
COUNTY OF HARRIS

TO: ANY SHERIFF, CONSTABLE, PROCESS SERVER CERTIFIED UNDER ORDER OF THE SUPREME COURT,
OTHER PERSON AUTHORIZED BY COURT ORDER, OR CLERK:

Deliver this citation, together with a copy of the petition, to:

Equifax Inc.
14755 Preston Rd Ste 525
Dallas TX 75254
Phone Number:

Serve: Prentice-Hall Corporation System
211 E 7th Street, Suite 620
Austin, Tx. 78701-3218

TO THE DEFENDANT:

You have been sued. You are commanded to appear by filing a written answer to the petition filed by Plaintiff with the Clerk of the Court on or before the end of the 14th day after the date of service of this citation. If you fail to file an answer as required, a judgment by default may be rendered for the relief demanded in the petition.

Date Petition Filed: 06/10/2019

Nature of demand made by Plaintiff(s): money owed in the amount of \$9,975.00. A copy of the petition is attached.

Notice

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult the Texas Rules of Civil Procedure, Part V, Rules of Practice in Justice Courts. A copy of the Rules is available at <http://www.jp.hctx.net/> or at the Justice Court.

Date: 6/10/2019



/s/ Stacy Sustaita
Clerk of the Court
Harris County Justice Court
Precinct 5, Place 1

Address of Plaintiff

655 West Forest Dr
Houston TX 77079;
655 West Forest Dr
Houston TX 77079

Address of Plaintiff's Attorney

Christopher Eustice
655 West Forest Dr
Houston TX 77079

EXHIBIT C

Case Number: 195100235971

Christopher Eustice; Cathy Eustice
Plaintiff
vs.
Equifax Inc.
Defendant

§
§
§
§
§
§
§

In the Justice Court
Harris County, Texas
Precinct 5, Place 1
6000 Chimney Rock Road
Suite 102
Houston, TX 77081
713-661-2276

Citation (Small Claims Case)

THE STATE OF TEXAS
COUNTY OF HARRIS

TO: ANY SHERIFF, CONSTABLE, PROCESS SERVER CERTIFIED UNDER ORDER OF THE SUPREME COURT,
OTHER PERSON AUTHORIZED BY COURT ORDER, OR CLERK:

Deliver this citation, together with a copy of the petition, to:

Equifax Inc.
14755 Preston Rd Ste 525
Dallas TX 75254
Phone Number:

Serve: Prentice-Hall Corporation System
211 E 7th Street, Suite 620
Austin, Tx. 78701-3218

TO THE DEFENDANT:

You have been sued. You are commanded to appear by filing a written answer to the petition filed by Plaintiff with the Clerk of the Court on or before the end of the 14th day after the date of service of this citation. If you fail to file an answer as required, a judgment by default may be rendered for the relief demanded in the petition.

Date Petition Filed: 06/10/2019

Nature of demand made by Plaintiff(s): money owed in the amount of \$9,975.00. A copy of the petition is attached.

Notice

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult the Texas Rules of Civil Procedure, Part V, Rules of Practice in Justice Courts. A copy of the Rules is available at <http://www.jp.hctx.net/> or at the Justice Court.

Date: 6/10/2019



/s/ Stacy Sustaita

Clerk of the Court
Harris County Justice Court
Precinct 5, Place 1

Address of Plaintiff

655 West Forest Dr
Houston TX 77079;
655 West Forest Dr
Houston TX 77079

Address of Plaintiff's Attorney

Christopher Eustice
655 West Forest Dr
Houston TX 77079

Case Number: 195100235971

Christopher Eustice; Cathy Eustice
Plaintiff
vs.
Equifax Inc.
Defendant

§
§
§
§
§
§

In the Justice Court
Harris County, Texas
Precinct 5, Place 1
6000 Chimney Rock Road
Suite 102
Houston, TX 77081
713-661-2276

Citation (Small Claims Case)

THE STATE OF TEXAS
COUNTY OF HARRIS

**TO: ANY SHERIFF, CONSTABLE, PROCESS SERVER CERTIFIED UNDER ORDER OF THE SUPREME COURT,
OTHER PERSON AUTHORIZED BY COURT ORDER, OR CLERK:**

Deliver this citation, together with a copy of the petition, to:

Equifax Inc.
14755 Preston Rd Ste 525
Dallas TX 75254
Phone Number:

Serve: Prentice-Hall Corporation System
211 E 7th Street, Suite 620
Austin, Tx. 78701-3218

TO THE DEFENDANT:

You have been sued. You are commanded to appear by filing a written answer to the petition filed by Plaintiff with the Clerk of the Court on or before the end of the 14th day after the date of service of this citation. If you fail to file an answer as required, a judgment by default may be rendered for the relief demanded in the petition.

Date Petition Filed: 06/10/2019

Nature of demand made by Plaintiff(s): money owed in the amount of \$9,975.00. A copy of the petition is attached.

Notice

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult the Texas Rules of Civil Procedure, Part V, Rules of Practice in Justice Courts. A copy of the Rules is available at <http://www.jp.hctx.net/> or at the Justice Court.

Date: 6/10/2019



/s/ Stacy Sustaita
Clerk of the Court
Harris County Justice Court
Precinct 5, Place 1

Address of Plaintiff

655 West Forest Dr
Houston TX 77079;
655 West Forest Dr
Houston TX 77079

Address of Plaintiff's Attorney

Christopher Eustice
655 West Forest Dr
Houston TX 77079

Small Claims Petition

195100235971

NO. _____

Christopher D. Eustice
Catherine Shaw Eustice
Plaintiff(s) § In the Justice Court of Harris County, Texas
§ Precinct 5 Place 1
§
vs. §
Equifax Inc. §
§
Defendant(s) §

Plaintiff: Christopher D. Eustice and Catherine Shaw Eustice

Describe the legal nature of the plaintiff (e.g., individual, sole proprietorship, partnership, corporation)
Individual

Defendant: Equifax Inc.

Address: 14755 Preston Rd. Ste 525

City: Dallas State: TX Zip: 75254 Date of Birth (if applicable):

Describe the legal nature of the defendant (e.g., individual, sole proprietorship, partnership, corporation)

Corporation

*Defendant may be served by serving Prentice-Hall Corporation System

(state the name of the defendant if defendant is an individual, or state the name and title of the person who is authorized to receive service of process for the defendant if defendant is a partnership, limited partnership, corporation, or limited liability company), who may be served at

211 E. 7th Street, Suite 620 AUSTIN, TX 78701-3218

(state the address for service of process).

The defendant's usual place of business or residence, or other place where defendant can probably be found is

Cause of Action

(State the cause of action in plain and concise language, sufficient to give fair notice of the claim and to provide enough information to enable the defendant to prepare a defense. You may include information showing venue is proper in the Justice of the Peace Precinct in which you are filing. If you are seeking personal property, you must describe the property and state the value of the property.)

Willful Injury-FCRA Section 623 and Cushman V. Transunion Corporation US Court of Appeals for the Third

Circuit Court Case 115 F.3d 220 June 9, 1997, Filed (D.C. No. 95-cv-01743).

Violation(s) of FCRA, including but not limited to Part (A)(5)(B)(ii) and FCRA Section 611 Part (A)(1)

Breach of Oral Contract for a Service not lasting more than a year and Breach of Written Contract

Violations(s) of Texas Business and Commerce Code ch. 20, Personal Injury Tort Claims

Relief Requested (Describe the relief you are requesting, itemizing the amount of damages you are seeking.)

\$9,975 Monetary Damages Resulting from Equifax Data Breach and from Furnishing incorrect data on credit report

Respectfully submitted,

Chris Eustice
Signature of Plaintiff or Plaintiff's Attorney of Record

Printed Name: Christopher D. Eustice

State Bar No. _____

Address: 655 West Forest Dr. Houston, TX 77079

Telephone: 832-259-1634

Fax Number: _____

E-Mail Address: chris.eustice@sbcglobal.net

☒ Plaintiff consents to the e-mail service of the answer and any other motions or pleadings to this e-mail address.

Violations of the Fair Credit Reporting Act ("FCRA")

Defendant is a "Consumer Reporting Agency" and Plaintiff is a "Consumer" under FCRA. Defendant processed Plaintiff's credit information and compromised Plaintiff's personal information, violating the FCRA by (1) failing to follow reasonable procedures, such as patching a critical software vulnerability which was widely known as early as March 7, to keep Plaintiff's consumer data confidential, (2) allowing Plaintiff's data to be breached in May of 2017, and (3) failing to tell the public, including Plaintiff, about the breach until September of 2017. See 15 U.S.C. § 1681e(a).

JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)


195100235971

CAUSE NUMBER (FOR CLERK USE ONLY): _____

STYLED _____

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

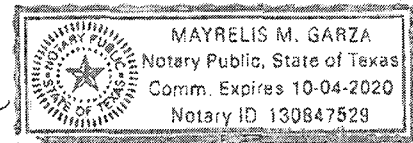
| | | |
|---|--|---|
| 1. Contact information for person completing case information sheet: | | 2. Names of parties in case: |
| Name: Christopher D. Eustice | Telephone: 832-259-1634 | Plaintiff(s): Christopher D. Eustice |
| Address: 655 West Forest Dr. | Fax: | Catherine Shaw Eustice |
| City/State/Zip: Houston, TX 77079 | State Bar No: | Defendant(s): Equifax Inc. |
| Email: chris.eustice@sbcglobal.net | | |
| Signature:  | | [Attach additional page as necessary to list all parties] |
| 3. Indicate case type, or identify the most important issue in the case (select only 1): | | |
| <input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any. | <input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any. | |
| <input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any. | <input checked="" type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any. | |

Christopher David Eustice, who lives at 655 West Forest Dr. Houston TX 77079, is my authorized agent and has my power of attorney for small claims lawsuits filed in Harris County Justice Courts on behalf of Catherine Shaw Eustice, who lives at 655 West Forest Dr. Houston, TX 77079.

Catherine Shaw Eustice

Signature

Mayrelis M. Garza
Notary Public
Printed Name: *Mayrelis M. Garza*



My name is Catherine Shaw Eustice. I, being of sound mind, checked defendant Equifax, Inc.'s breach notice website www.equifaxsecurity2017.com and confirmed that my data was breached in the 2017 Equifax Breach expressed in my Small Claims Petition.

Further, I affirm and attest that I suffered mental anguish damages because of Equifax's failure to keep my private and sensitive information safe and secure.

Additionally, I affirm and declare mental anguish in the following personal ways:

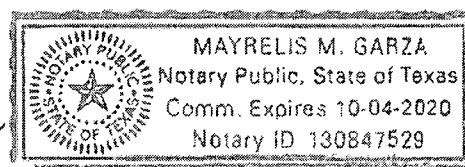
I have had to constantly check all of my banking and financial information on a constant basis since the data breach. I am very fearful of my identity being stolen by someone else. I have sleepless nights constantly worrying about how I could lose everything that I've worked so hard to obtain. This will be a problem forever due to the Equifax Data Breach.

Date: 5/29/2019

My Signature: Catherine S. Eustice

SUBSCRIBED AND SWORN TO BEFORE ME, on May 29, 2019.

Mayrelis M. Garza
Notary Public
Printed Name: Mayrelis M. Garza



Plaintiff's Representative's Affidavit of Evidence and Law

My name is Christopher D. Eustice and I am the representative of record for the Plaintiff.

I affirm and attest that the following documents are true and correct copies of websites, articles, and statements containing relevant information to Defendant Equifax, Inc.'s 2017 breach of my client's private information:

1. Equifax Admission to the Public: "Equifax Releases Details on Cybersecurity Incident, Announces Personnel Changes"

a. Shows Apache Struts vulnerability was known for at least four months to the cyber security industry before Equifax was hacked and took remedial measures to protect consumer information.

b. This is a statement by a party opponent, which is not hearsay under Rule 801 of the Federal Rules of Civil Procedure.

2. Equifax Admission to the United States Securities and Exchange Commission:

"EQUIFAX'S STATEMENT FOR THE RECORD REGARDING THE EXTENT OF THE CYBERSECURITY INCIDENT ANNOUNCED ON SEPTEMBER 7, 2017."

a. Shows the scope and content of the breach.

b. This is a statement by a party opponent, which is not hearsay under Rule 801 of the Federal Rules of Civil Procedure.

3. Hitachi Systems Security Article, "Equifax is Likely the Largest and Most Preventable Breach on Record."

a. Explains that the Apache Struts vulnerability was widely known to the cyber security industry, which Equifax failed to patch and the outrageousness of the failure.

4. Federal law requiring reasonable procedures for meeting the needs of commerce for consumer credit.

5. Federal law which entitles Plaintiff to compensation:

a. \$1,000

b. Punitive Damages

c. The Costs of the Action

d. Reasonable Attorney's Fees

6. United States Securities And Exchange Commission Press Release, March 14, 2018:

"Former Equifax Executive Charged With Insider Trading."

- a. "Jun Ying, who was next in line to be the company's global CIO, allegedly used confidential information entrusted to him by the company to conclude that Equifax has suffered a serious breach."
- b. Shows Equifax knowingly violated the Federal Law in 15 U.S. Code § 1681 supra.
- c. Adds weight to punitive damages.
- d. This meets the Rule 803 public record exception to the rule against hearsay under the Federal Rules of Civil Procedure.
7. "Former Equifax Manager Charged With Insider Trading," United States Securities And Exchange Commission Press Release, June 28, 2018.
- a. "Sudhakar Reddy Bonthu traded on confidential information he received while creating a website for consumers impacted by a data breach."
- b. Shows Equifax knowingly violated the Federal Law in 15 U.S. Code § 1681 supra.
- c. Adds weight to punitive damages.
- d. This meets the Rule 803 public record exception to the rule against hearsay under the Federal Rules of Civil Procedure.
8. "Former Equifax manager pleads guilty to insider trading," United States Attorney's Office, Northern District of Georgia Press Release, July 23, 2018.
- a. Around August 30, 2017, Bonthu learned that at least 100 million individuals' information was exposed as part of the breach and that the data included names and Social Security numbers.
- b. On September 1, 2017, Bonthu bought 86 put options in Equifax stock that expired on September 15, 2017. Those put options allowed him to profit if the value of Equifax stock dropped within that two-week period. Equifax publicly disclosed the data breach on September 7, 2017, and its stock fell the next day. Bonthu then exercised his put options, realizing a profit of more than \$75,000.

Date: 6/7/2019

My Signature:

Chris Eustice

Mayrelis M. Garza
Notary Public
Printed Name: Mayrelis M. Garza

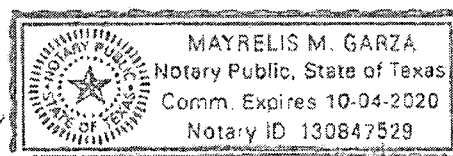


Exhibit 1

1. Equifax Admission to the Public: "Equifax Releases Details on Cybersecurity Incident, Announces Personnel Changes"
 - a. Shows Apache Struts vulnerability was known for at least four months to the cyber security industry before Equifax was hacked and took remedial measures to protect consumer information.
 - b. This is a statement by a party opponent, which is not hearsay under Rule 801 of the Federal Rules of Civil Procedure.

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6/14/2018

Equifax Releases Details on Cybersecurity Incident, Announces Personnel Changes | Equifax

Equifax Releases Details on Cybersecurity Incident, Announces Personnel Changes

Sep 15, 2017

ATLANTA, Sept. 15, 2017 /PRNewswire/ -- As part of the company's ongoing review of the cybersecurity incident announced September 7, 2017, Equifax Inc. (NYSE: EFX) today made personnel changes and released additional information regarding its preliminary findings about the incident.



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Officer. Mr. Ayres most recently served as a Vice President in the IT organization at Equifax. He will report directly to the Chief Information Officer. The personnel changes are effective immediately.

Equifax's internal investigation of this incident is still ongoing and the company continues to work closely with the FBI in its investigation.

Specific Details of Incident:

- On July 29, 2017, Equifax's Security team observed suspicious network traffic associated with its U.S. online dispute portal web application. In response, the Security team investigated and blocked the suspicious traffic that was identified.
- The Security team continued to monitor network traffic and observed additional suspicious activity on July 30, 2017. In response, the company took offline the affected web application that day.
- The company's internal review of the incident continued. Upon discovering a vulnerability in the Apache Struts web application framework as the initial attack vector, Equifax patched the affected web application before bringing it back online.
- On August 2, 2017, Equifax contacted a leading, independent cybersecurity firm, Mandiant, to assist in conducting a privileged, comprehensive forensic review to determine the scope of the intrusion, including the specific data impacted.
- Over several weeks, Mandiant analyzed available forensic data to identify unauthorized activity on the network.
- The incident potentially impacts personal information relating to 143 million U.S. consumers – primarily names, Social Security numbers, birth dates, addresses and, in some instances, driver's license numbers.
 - In addition, credit card numbers for approximately 209,000 U.S. consumers, and certain dispute documents with personal identifying information for approximately 182,000 U.S. consumers, were accessed.

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Equifax Releases Details on Cybersecurity Incident, Announces Personnel Changes | Equifax

continues to implement and accelerate long-term security improvements.

Questions Regarding Apache Struts:

- The attack vector used in this incident occurred through a vulnerability in Apache Struts (CVE-2017-5638), an open-source application framework that supports the Equifax online dispute portal web application.
- Based on the company's investigation, Equifax believes the unauthorized accesses to certain files containing personal information occurred from May 13 through July 30, 2017.
- The particular vulnerability in Apache Struts was identified and disclosed by U.S. CERT in early March 2017.
- Equifax's Security organization was aware of this vulnerability at that time, and took efforts to identify and to patch any vulnerable systems in the company's IT infrastructure.
- While Equifax fully understands the intense focus on patching efforts, the company's review of the facts is still ongoing. The company will release additional information when available.

Overview of Consumer Support Response and Recent Developments

The company is fully committed to proactively supporting consumers who may have been impacted by the cybersecurity incident. A timeline of our response includes:

- The company worked diligently with Mandiant to determine what information was accessed and identify the potentially impacted consumers in order to make an appropriate public disclosure of the incident.
- As soon as the company understood the potentially impacted population, a comprehensive support package was rolled out to consumers on September 7, 2017.
- Equifax took the following steps:
 - Created a dedicated website where consumers could understand whether they were impacted, find out more information about the incident and learn how to protect themselves.
 - The company offered free credit file monitoring and identity theft protection to all U.S. consumers, regardless of whether they were definitively impacted.
 - TrustedID Premier includes 3-Bureau credit monitoring of Equifax, Experian, and TransUnion credit reports; copies of Equifax credit reports; the ability to lock and unlock Equifax credit reports; identity theft insurance; and Internet scanning for Social Security numbers.
 - The company has also set up a dedicated call center to assist consumers with questions and signing up for the free offering and has continued to ramp up the call center to reduce wait times.
- Equifax also provided written notification to all U.S. State Attorneys General and contacted other federal regulators.
- Since the announcement, Equifax has taken additional actions including:
 - Providing a more prominent and clear link from the main www.equifax.com website to the cybersecurity incident website www.equifaxsecurity2017.com, so that consumers can quickly and easily find the information they need.
 - Tripling the call center team and continuing to add agents, despite facing some difficulty due to Hurricane Irma.
 - Resolving issues with the impact look-up tool.
 - Addressing confusion concerning the arbitration and class-action waiver clauses included in the Terms of Use applicable to the product:
 - The company never intended for these clauses to apply to this cybersecurity incident.

6/14/2018

Equifax Releases Details on Cybersecurity Incident, Announces Personnel Changes | Equifax

was removed.

- Clarifying that no credit card information is required to sign up for the product and that consumers will not be automatically enrolled or charged after the conclusion of the complimentary year.
- Making changes to address consumer concerns regarding security freezes:
 - The company clarified that consumers placing a security freeze will be provided a randomly generated PIN.
 - The company continues to work on technical difficulties related to the high volume of security freeze requests.
 - Consumers who paid for a security freeze starting at 5pm EST on September 7, 2017 will receive a refund.
 - The company agreed to waive fees for removing and placing security freezes through November 21, 2017.

About Equifax

Equifax is a global information solutions company that uses trusted unique data, innovative analytics, technology and industry expertise to power organizations and individuals around the world by transforming knowledge into insights that help make more informed business and personal decisions. The company organizes, assimilates and analyzes data on more than 820 million consumers and more than 91 million businesses worldwide, and its database includes employee data contributed from more than 7,100 employers.

Headquartered in Atlanta, Ga., Equifax operates or has investments in 24 countries in North America, Central and South America, Europe and the Asia Pacific region. It is a member of Standard & Poor's (S&P) 500® Index, and its common stock is traded on the New York Stock Exchange (NYSE) under the symbol EFX. Equifax employs approximately 9,900 employees worldwide.

FOR MORE INFORMATION

1550 Peachtree Street, NE
Atlanta, Georgia 30309

Media Relations
MediaInquiries@Equifax.com

View original content: <http://www.prnewswire.com/news-releases/equifax-releases-details-on-cybersecurity-incident-announces-personnel-changes-300520691.html>

SOURCE Equifax Inc.

Exhibit 2

2. Equifax Admission to the United States Securities and Exchange Commission: “EQUIFAX’S STATEMENT FOR THE RECORD REGARDING THE EXTENT OF THE CYBERSECURITY INCIDENT ANNOUNCED ON SEPTEMBER 7, 2017.”
- a. Shows the scope and content of the breach.
 - b. This is a statement by a party opponent, which is not hearsay under Rule 801 of the Federal Rules of Civil Procedure.

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Exhibit 99.1

**EQUIFAX'S STATEMENT FOR THE RECORD
REGARDING THE EXTENT OF THE CYBERSECURITY INCIDENT
ANNOUNCED ON SEPTEMBER 7, 2017**

Over the past several months, congressional committees have requested information from Equifax regarding the extent of the cybersecurity incident that Equifax reported on September 7, 2017. Accordingly, Equifax submits this statement to supplement the company's responses regarding the extent of the incident impacting U.S. consumers.

As announced on September 7, 2017, the information stolen by the attackers primarily included:

- names, Social Security numbers, birth dates, addresses and, in some instances, driver's license numbers of 143 million U.S. consumers (since updated)
- credit card numbers of approximately 209,000 consumers
- certain dispute documents with personal identifying information of approximately 182,000 consumers
- limited personal information for certain United Kingdom and Canadian residents.

As earlier statements made clear, the company's forensics experts found no evidence that Equifax's U.S. and international core consumer, employment and income, or commercial credit reporting databases were accessed as part of the cyberattack. Furthermore, Equifax offered a comprehensive support package to impacted consumers on September 7, 2017.

The attackers stole consumer records from a number of database tables with different schemas, and the data elements stolen were not consistently labeled. For example, not every database table contained a field for driver's license number, and for more common elements like first name, one table may have labeled the column containing first name as "FIRSTNAME," another may have used "USER_FIRST_NAME," and a third may have used "FIRST_NM." With assistance from Mandiant, a cybersecurity firm, forensic investigators were able to standardize certain data elements for further analysis to determine the impacted consumers and Equifax's notification obligations.

As a result of its analysis of the standardized data elements, including using data not stolen in the attack, the company was able to confirm the approximate number of impacted U.S. consumers for each of the following data elements: name, date of birth, Social Security number, address information, gender, phone number, driver's license number, email address, payment card number and expiration date, TaxID, and driver's license state. As stated above, Equifax notified the public on September 7, 2017 of the primary data elements that were stolen. With respect to the data elements of gender, phone number, and email addresses, U.S. state data breach notification laws generally do not require notification to consumers when these data elements are compromised, particularly when an email address is not stolen in combination with further credentials that would permit access. The chart that follows provides the approximate number of impacted U.S. consumers for each of the listed data elements.

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| <u>Data Element Stolen</u> | <u>Standardized Columns Analyzed¹</u> | <u>Approximate Number of Impacted U.S. Consumers</u> |
|---|---|--|
| Name | First Name, Last Name, Middle Name, Suffix, Full Name | 146.6 million |
| Date of Birth | D.O.B. | 146.6 million |
| Social Security Number ² | SSN | 145.5 million |
| Address Information | Address, Address2, City, State, Zip | 99 million |
| Gender | Gender | 27.3 million |
| Phone Number | Phone, Phone2 | 20.3 million |
| Driver's License Number ³ | DL# | 17.6 million |
| Email Address (w/o credentials) | Email Address | 1.8 million |
| Payment Card Number and Expiration Date | CC Number, Exp Date | 209,000 |
| TaxID | TaxID | 97,500 |
| Driver's License State | DL License State | 27,000 |

The data described above is not additional stolen data, and it does not impact additional consumers. The table reflects a summary of the company's analysis of data stolen in last year's cybersecurity incident. This includes the extra measures the company took to confirm the

1. The attackers accessed records across numerous database tables with different schemas. Forensic investigators were able to standardize certain columns containing various types of information for further analysis to determine the impacted consumers and Equifax's notification obligations. The full list of standardized columns is SSN, First Name, Last Name, Middle Name, Suffix, Gender, Address, Address2, City, State, ZIP, Phone, Phone2, DL #, DL License State, DL Issued Date, D.O.B., Canada SIN, Passport #, CC Number, Exp Date, CV2, TaxID, Email Address, Full Name.
2. This represents the number of individuals who are part of the impacted population because their SSN was stolen. The impacted population included individuals with a SSN not stolen together with a name in jurisdictions that require notification in such circumstances (e.g., Indiana). Individual Tax ID numbers (ITINs) were generally housed in the same field as the SSNs. For clarity, all ITINs stored in the SSN field were included in the 145.5 million impacted population and consumers could use their ITIN in the lookup tool to see if they were affected. For approximately 97,500 individuals, the additional "TaxID" field contained a value that was stolen together with a SSN included in the lookup tool.
3. This includes the 2.4 million individuals whose partial driver's license information and name were stolen, as described in the company's announcement on March 1, 2018.

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identities of U.S. consumers whose partial driver's license information was stolen but who were not in the previously identified affected population, as announced on March 1, 2018. Equifax identified these consumers by referencing other information in proprietary company records that the attackers did not steal, and by engaging the resources of an external data provider.

Through the company's analysis, Equifax believes it has satisfied applicable requirements to notify consumers and regulators. It does not anticipate identifying further impacted consumers, as it has now completed analysis of government issued identification numbers stolen together with names. It should be noted that the additional analysis also confirmed that some of the standardized columns had no real data in the data fields (specifically the data fields for passport numbers, CV2s, and driver's license issue dates).

Separately from the elements described above, which were contained within database tables and files, and as previously reported in the company's press releases⁴ and responses to congressional questions, the attackers also accessed images uploaded to Equifax's online dispute portal by approximately 182,000 U.S. consumers. As a national credit reporting agency, Equifax has a statutory obligation to facilitate disputes for consumers.

Between October and December 2017, Equifax notified by direct mail the consumers who had uploaded information to the dispute portal that their dispute information was accessed. In order to provide complete information to consumers regarding their accessed images, Equifax provided these consumers individualized notifications with a list of the specific files they had uploaded onto Equifax's dispute portal and the dates of those uploads.

As part of the dispute process, some consumers may have uploaded government-issued identifications through the portal. Because the company directly notified each impacted consumer, the company had not previously analyzed the government-issued identifications contained in the images uploaded in the dispute portal. In response to congressional inquiry, we recently completed a manual review of the images that were uploaded by the impacted consumers. The chart that follows provides the approximate number of images of valid government-issued identifications.

| <u>Government-Issued Identification</u> | <u>Approx. # of Images Uploaded</u> |
|---|-------------------------------------|
| Driver's License | 38,000 |
| Social Security or Taxpayer ID Card | 12,000 |
| Passport or Passport Card | 3,200 |
| Other ⁵ | 3,000 |

The data described above is not additional stolen data, and it does not impact additional consumers. The table reflects a summary of the company's recent analysis of government-issued identifications that were uploaded by consumers to Equifax's online dispute portal and stolen by the attackers.

⁴ See, e.g., Equifax press releases dated September 7, 2017, <https://investor.equifax.com/news-and-events/news/2017/09-07-2017-213000628> and September 15, 2017, <https://investor.equifax.com/news-and-events/news/2017/09-15-2017-224018832>.

⁵ Includes other types of identification documents such as military IDs, state-issued IDs and resident alien cards.

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Equifax is committed to working with Congress and providing accurate information about the cybersecurity incident reported on September 7, 2017. Please let us know if you have questions about the information provided in this statement.

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Exhibit 3

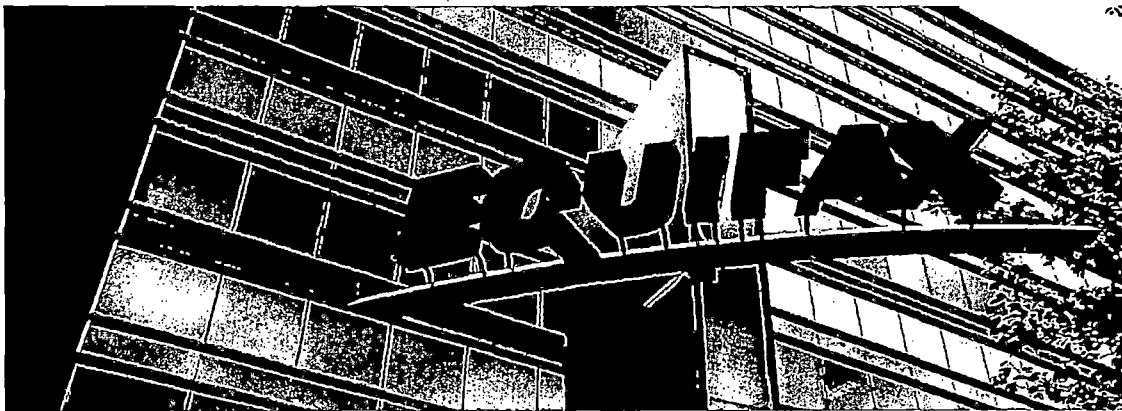
3. Hitachi Systems Security Article, “Equifax is Likely the Largest and Most Preventable Breach on Record.”
 - a. Explains that the Apache Struts vulnerability was widely known to the cyber security industry, which Equifax failed to patch and the outrageousness of the failure.

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Equifax is Likely the Largest and Most Preventable Breach on Record

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Equifax is Likely the Largest and Most Preventable Breach on Record

(<https://www.hitachi-systems-security.com/blog/equifax-is-likely-the-largest-and-most-preventable-breach-on-record/>)

Posted on Wednesday, October 4th, 2017 by Robert Bond (<https://www.hitachi-systems-security.com/blog/author/robert/>)

6/5/2018

Equifax is Likely the Largest and Most Preventable Breach on Record

Hackers Exploited a Known Vulnerability to Steal Social Security Numbers

Consumer credit reporting agency Equifax Inc. reported a large breach of consumer personally identifiable information (PII) earlier this month, alerting the public that hackers had stolen (<http://money.cnn.com/2017/09/15/pf/warren-schatz-equifax/index.html>) names, Social Security numbers, birth dates, addresses and driver's license numbers of 143 million consumers. In addition, hackers compromised 209,000 credit card numbers stored by Equifax for subscribers of its credit monitoring service. The information reported since has created a new case study in information security and incident response challenges.

HITACHI

Hitachi Systems Security
@HitachiSysSec

Equifax is Likely the Largest and Most Preventable Breach on
Record hubs.ly/H08Qbby0

16:30 - 4 oct. 2017

2 Voir les autres Tweets de Hitachi Systems Security

The Target: Credit Information

As a consumer credit reporting agency, Equifax provides credit information to businesses and seeks to sell products and services to consumers. Retailers, insurance firms, banks and many other businesses rely on Equifax credit reports when credit-checking loans and issuing credit cards to consumers. As a credit bureau, Equifax aggregates data from banks, credit card issuers, auto finance companies, and many other sources to create profiles on millions of people worldwide. This repository had become a rich target for hackers, as the Social Security numbers and other PII is a hot commodity for perpetrators to commit identity theft and fraud.

In addition, Equifax offers credit monitoring and identity theft *prevention* services directly to consumers which explains why credit card information was stored on Equifax systems.

A History of Security Risk – Equifax was Hacked Earlier in 2017

The September 2017 hack was not the first time that Equifax was breached. In May 2017, hackers targeted Equifax's TALX payroll division, which provides online tax, HR, and payroll services. The hackers successfully brute forced (<https://krebsonsecurity.com/2017/09/equifax-breach-setting-the->

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Equifax is Likely the Largest and Most Preventable Breach on Record

record-straight/) multiple questions to reset security pins and gain access to Equifax's customers' employee data, including employees at Northrop Grumman (https://oag.ca.gov/system/files/Northrop%20Grumman%20Individual%20Notification%20Letter_64772036_1_) and University of Louisville (<http://www.louisvillecardinal.com/2017/04/hackers-steal-university-employee-tax-info/>). The hack should have acted as a warning as to the importance of cybersecurity for a company storing sensitive information on millions of consumers. However, just two months later Equifax was breached again on a much larger scale.

Unpatched Apache Vulnerability Targeted in Equifax Hack

Equifax has confirmed that the vulnerability targeted in the attack was CVE-2017-5638 (<https://nvd.nist.gov/vuln/detail/CVE-2017-5638>), an incorrect exception handling and error-message generation process that allows an attacker to remotely execute commands through a crafted HTTP header. The vulnerability is part of the Apache Struts, an open-source framework used in Java web applications. The vulnerability was scored a 10.0, which is deemed critical on the Common Vulnerability Scoring System, and the absolute highest rating. The Apache vulnerability was first reported (<http://blog.talosintelligence.com/2017/03/apache-0-day-exploited.html>) on March 7, and Apache released a new version the next day, March 8, mitigating the vulnerability. Equifax reported that the unauthorized access occurred from mid-May through July, meaning that they did not patch (<https://krebsonsecurity.com/2017/09/equifax-hackers-stole-200k-credit-card-accounts-in-one-fell-swoop/>) the critical vulnerability (<https://www.wired.com/story/equifax-breach-no-excuse/>) in their public facing website for over two months. Patching known vulnerabilities, especially those allowing remote code execution on a public website, is an IT and security best practice and critical for organizations storing sensitive data.

Patching Best Practices

Organizations and businesses have consistently struggled to implement patching best practices. The timeline between the discovery of a vulnerability and the emergence of an attacker exploit has shortened to hours, making rapid patching of critical systems more important than ever. However, businesses continue to expect 100% availability (<https://www.sans.org/reading-room/whitepapers/bestprac/practical-methodology-implementing-patch-management-process-1206>) of critical systems, making rapid testing and patching processes a challenge. Many organizations have not implemented an automated patching solution (<http://www.techrepublic.com/blog/10-things/10-keys-to-successful-patch-management/>), relying on a manual process that is slow and vulnerable to human error. A recent study (<https://www.scmagazine.com/financial-services-industry-education-take-half-a-year-to-remediate->

6/5/2018

Equifax Is Likely the Largest and Most Preventable Breach on Record

vulnerabilities/article/534013/) by NopSec published in SC Magazine found that financial sector businesses took up to 176 days (<http://www.zdnet.com/article/financial-sector-takes-176-days-on-average-to-patch-security-vulnerabilities/>) to patch security flaws.

The impact of slow security patching can be severe. The Eternal Blue exploit (CVE-2017-0144), for example, was discovered on March 16, 2017. CVSS (<https://nvd.nist.gov/vuln/detail/CVE-2017-0144>) scored it an 8.1, a high rating. As a SMBv1 server vulnerability, it affected a large number of Windows servers and workstations. When the WannaCry ransomware attack struck on May 12, however, many organizations had not implemented the patch and hundreds of thousands of users found their systems infected with ransomware. This pattern is likely to continue as attackers target recently released vulnerabilities and compromise organizations that have not implemented the latest patches in time.

Depending upon risk, many organizations define a patching schedule of between one week and one month to patch high and critical vulnerabilities (like the Apache Struts one at Equifax) according to leading IT security professionals. Patching best practices recommends regularly comparing reported vulnerabilities against an organization's environment to determine risk exposure (<http://searchsecurity.techtarget.com/Six-steps-for-security-patch-management-best-practices>), and patching according to risk. For example, a payment processing system on an e-commerce website would be patched immediately, while an internal employee messaging application not accessible via the internet might not need to be patched as quickly. Organizations that fail to patch effectively, especially for severe risks like the one exposed by the Apache Struts vulnerability at Equifax, take the risk that they will be compromised – a risk that could be avoided if they operated an efficient patching program.

Slow Response Causes Public Outcry

Many in the media have criticized Equifax's poor response to the incident. After first discovering the breach on July 29, the company waited until September 7 to alert the public to the incident. Data breach laws like the Georgia Personal Identity Protection Act (<http://www.legis.ga.gov/Legislation/en-US/display/20072008/SB/236>) (the state where Equifax is headquartered) require businesses suffering a breach to notify affected customers as soon as possible through mail, telephone, or electronic means.

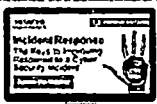
Related post: 5 Mistakes You Need to Avoid After a Data Breach (<https://www.hitachi-systems-security.com/blog/5-mistakes-you-need-to-avoid-after-a-data-breach/>)

Post Breach – Equifax Stock Sales Under Investigation

6/5/2018

Equifax is Likely the Largest and Most Preventable Breach on Record

Not only did Equifax wait over 5 weeks to notify the public, but also on August 1 and 2, five days after the breach was discovered, three top Equifax executives sold almost \$2 million of their Equifax stock. Chief Financial Officer John Gamble, President of U.S. Information Solutions, Joseph Loughran, and President of Workforce Solutions Rodolfo Ploder sold \$1.8 million (<https://www.bloomberg.com/news/articles/2017-09-18/equifax-stock-sales-said-to-be-focus-of-u-s-criminal-probe>) worth of stock in the days following the breach and now claim that they were unaware (<https://www.engadget.com/2017/09/18/equifax-stock-sales-doj-investigation-insider-trading/>) of the incident at the time they sold their shares. The U.S. Attorney's Office in Atlanta, the FBI and the SEC are all now cooperating to conduct a criminal investigation (<https://www.bloomberg.com/news/articles/2017-09-18/equifax-stock-sales-said-to-be-focus-of-u-s-criminal-probe>) into the three executives for potentially violating insider trading laws and the now "resigned" CEO Richard Smith is now preparing to testify before US Congress. The sentiment that poor security practices did not adequately secure sensitive data, and the slow response to alert the public and authorities combined to place Equifax in the crosshairs of widespread public and media criticism.



Incident Response: Keys to Improving Response to Cyber Security Incidents

Access the Webinar

(https://cta-redirect.hubspot.com/cta/redirect/466473/51313332-d6be-4b83-8102-33e1c8c2c95a?__hstc=222465796.35f9e19f219cca3a4f269943d4129e93.1528246369777.1528246369777.1528246369777)

Equifax Phishing Website

Equifax's poor response and its handling of the incident persisted after September 7 prompted Equifax to set up a website (<https://www.equifaxsecurity2017.com/>) to provide a free year of credit monitoring services. Security researchers were quick to test the site, finding that it generated seemingly random results (<https://krebsonsecurity.com/2017/09/equifax-breach-response-turns-dumpster-fire/>), even with the same input. Some even found that gibberish names and numbers produced identical results. The site was not only criticized for poor performance, but also for not being created securely. Software engineer Nick Sweeting was quick to set up a copy of the easily duplicated site, posting to securityequifax2017[dot]com. After the official Equifax twitter account inexplicably tweeted out (<https://www.nytimes.com/2017/09/20/business/equifax-fake-website.html>) the link to his site, he received over 200,000 visits. Equifax's mistake, again, was poor security practice – a better way to give client's the opportunity to check if their information had been disclosed, would have been to set up a subdomain of Equifax.com (<http://Equifax.com>) (phishers and other criminals would not be able to create a counterfeit site on Equifax's domain).

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Equifax is Likely the Largest and Most Preventable Breach on Record

As a result of these struggles, Equifax Chief Security Officer Susan Mauldin and Chief Information Officer David Webb both retired September 15, with Mauldin becoming a target of scrutiny in the media for a perceived lack of information security expertise due to an academic background in music composition (<https://www.nbcnews.com/business/consumer/equifax-executives-step-down-scrutiny-intensifies-credit-bureaus-n801706>). Many others defended (https://www.washingtonpost.com/news/the-switch/wp/2017/09/19/equifaxs-top-security-exec-made-some-big-mistakes-studying-music-wasnt-one-of-them/?utm_term=.16894fb4c977) her as cybersecurity degrees did not exist until recently, and many experts in the field have come from nontechnical backgrounds and use problem solving skills and analytical thinking to succeed. The attack remains a top news story even weeks later, with government agencies, members of Congress, the media, and public at large questioning Equifax's handling of both the incident and their response to a loss of PII.

Impact of Equifax Attack

Unidentified attackers compromised the personal information of 143 million U.S. citizens, Canadian, and few thousand international individuals during the Equifax hack, including Social Security numbers. The loss of the PII allows the attackers to perform widespread identity theft, ironically the very thing credit monitoring sites like Equifax are supposed to help prevent. Although the long-term impact is yet to be determined, the attack ranks among the worst breaches to date. While earlier breaches impacted a greater number of credit card numbers, like the 40 million (<https://www.bloomberg.com/news/articles/2014-03-13/target-missed-warnings-in-epic-hack-of-credit-card-data>) lost by Target in 2013, victims are able to easily cancel a credit card and order a new one. The Social Security numbers and other personal information lost by Equifax are not easily replaced, and can be used to wreak havoc (<http://blog.credit.com/2015/02/5-things-an-identity-thief-can-do-with-your-social-security-number-108597/>) on a victim's credit through identity theft and fraud – like opening lines of credit, getting medical care, filing fraudulent tax refunds, and even stealing unemployment or other Social Security benefits.

Consumers have several ways to respond to prevent identity theft. Credit freezes (<http://www.startribune.com/equifax-mega-hack-means-you-need-to-freeze-your-credit/446605133/>) are widely recommended as a way for victims to minimize exposure, freezing credit with Experian, Trans Union, and Equifax to prevent any new activity tied to their Social Security number. After calling or using a website to freeze their credit, individuals receive a security PIN that must be used to unlock the account before another credit lookup can be performed. The process has already received criticism – both for the fee that the credit bureaus charge and the poor security around the use of PINs.

Senator Elizabeth Warren introduced a bill last week that would force the credit bureaus to provide free credit freezing and unfreezing, a process that now costs between \$2 and \$10. As for the security, a New York Times article (<https://www.nytimes.com/2017/09/10/your-money/identity>)

6/5/2018

Equifax Is Likely the Largest and Most Preventable Breach on Record

theft/equifax-breach-credit-freeze.html) found that the PINs are easily compromised (<https://krebsonsecurity.com/2017/09/experian-site-can-give-anyone-your-credit-freeze-pin/>), as the only information Equifax requires to generate a duplicate to anyone who can provide a name, address, date of birth, Social Security number (all compromised in the hack), and an email address at which to receive the PIN. The process uses four knowledge-based authentication questions that researchers easily compromised with publicly available information from web searches.

Key Practices and Points to Avoid Catastrophic Loss

- An application assessment (<https://www.hitachi-systems-security.com/professional-services/application-assessment/>) should have been completed to identify how Equifax's web applications could have been exploited to gain access to customer data.
- Routine annual or semi-annual comprehensive penetration tests (<https://www.hitachi-systems-security.com/professional-services/penetration-testing/>) of Equifax's external systems would have identified the exploitability of unpatched external systems and highlighted the importance of patching external facing systems.
- Information security should have had Board-level visibility and assigned to a committee. This way, the Information Security strategy, of which vulnerability assessment (<https://www.hitachi-systems-security.com/professional-services/vulnerability-assessment/>) and threat monitoring (<https://www.hitachi-systems-security.com/managed-security-services/>), patch management and the entire information security policy would be aligned aligned with business strategy, and based on risk.
- All Security leaders and stakeholders should have been visible with a clear role and associated responsibilities. There should have been no delays or confusion during crisis management.
- Security incident response (<https://www.hitachi-systems-security.com/blog/benefits-incident-response-plan/>) activities should include defining and staffing clear roles and responsibilities for communications (<https://www.hitachi-systems-security.com/blog/youve-been-hacked-now-what/>), both within and outside the organization.

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- Sites for customers to check information (using subdomains of the organization's main website) should be set up in advance as part of the organization's incident response preparations, so as to be quickly available if and when a breach occurs.
- The effectiveness of the information security policy would have been assured through review and approval (security incident response (<https://www.hitachi-systems-security.com/blog/why-incident-response-has-become-critical-to-limiting-damage/>) and handling with injects into crisis management and business continuity. Vulnerability assessment and threat monitoring for information classified as critical / sensitive assets would be topic specific security policy).
- Patching systems may mean taking them offline, potentially impacting customers or the organization's business operations. The impact of not applying a patch versus system availability and other considerations should be regularly assessed.
- Risk management (<https://www.hitachi-systems-security.com/grc/risk/>) and risk assessments should have been conducted in accordance to perceived risk to data, the appropriate scenarios should have been identified (e.g. non patched systems being compromised) and understood.
- Regular risk assessments (<https://www.hitachi-systems-security.com/professional-services/risk-assessment/>) would have identified the magnitude of risk they are being exposed to particularly concerning unpatched systems handling sensitive consumer information.
- Control assessments (<https://www.hitachi-systems-security.com/professional-services/control-assessment/>) should have been performed to assess the effectiveness of operational security controls and specifically those related to patching and updating Internet facing systems.
- Best security practices dictate that the set of security controls for protecting an IT environment is most complete when it is based on industry recognized frameworks such as ISO 27001, NIST 800-53, PCI DSS (<https://www.hitachi-systems-security.com/blog/nist-cissans-20-iso-27001-simplifying-security-control-assessments/>), CIS Critical Security Controls (<https://www.hitachi-systems-security.com/blog/mitigate-cybersecurity-incidents-20-cis-critical-security-controls/>), and other recognized and accepted frameworks and assessments.

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Equifax Is Likely the Largest and Most Preventable Breach on Record

Conclusion

Equifax is the latest in large breaches of sensitive consumer information. The millions of Social Security numbers compromised elevates the attack to a new level of cost and damage; millions of Americans will need to monitor for identify theft for years to come. Equifax's response – with the slow notification time and the bungled website management, has made them the target of criticism from consumers, the media, security researchers and even US Congress. The cause of the breach inexplicably – an unpatched known vulnerability illustrates the importance of basic security best practices in preventing breaches, as well as the importance of regular vulnerability management (<https://www.hitachi-systems-security.com/blog/tag/vulnerability-management/>) and threat monitoring to identify critical vulnerabilities on sensitive systems.

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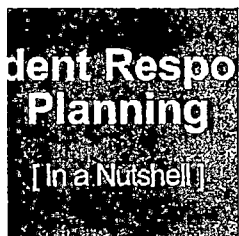
Closing the Door on Attacks

Access Webinar

Presented by Andrew Kozloski
Cybersecurity Evangelist
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(https://cta-redirect.hubspot.com/cta/redirect/466473/a1d60a43-dd55-4a2e-ac80-fe8dc532f8b0?__hstc=222465796.35f9e19f219cca3a4f269943d4129e93.1528246369777.1528246369777.1528246369777)

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Best Practices for Building an Incident Response Plan (2/5)

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As part of our 5-part series about Incident Response Planning (IRP), this article dives deeper...

(<https://www.hitachi-systems-security.com/blog/best-practices-incident-response-planning/>)

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Exhibit 4

4. Federal law requiring reasonable procedures for meeting the needs of commerce for consumer credit.

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15 U.S. Code § 1681 - Congressional findings and statement of purpose | US Law | LII / Legal Information Institute

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U.S. Code › Title 15 › Chapter 41 › Subchapter III › § 1681

15 U.S. Code § 1681 - Congressional findings and statement of purpose

(a) **ACCURACY AND FAIRNESS OF CREDIT REPORTING** The Congress makes the following findings:

- (1) The banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods undermine the public confidence which is essential to the continued functioning of the banking system.
- (2) An elaborate mechanism has been developed for investigating and evaluating the credit worthiness, credit standing, credit capacity, character, and general reputation of consumers.
- (3) Consumer reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers.
- (4) There is a need to insure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy.

(b) **REASONABLE PROCEDURES**

It is the purpose of this subchapter to require that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information in accordance with the requirements of this subchapter.

(Pub. L. 90-321, title VI, § 602, as added Pub. L. 91-508, title VI, § 601, Oct. 26, 1970, 84 Stat. 1128.)

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15 U.S. Code § 1681e - Compliance procedures | US Law | LII / Legal Information Institute

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U.S. Code › Title 15 › Chapter 41 › Subchapter III › § 1681e

15 U.S. Code § 1681e - Compliance procedures

(a) IDENTITY AND PURPOSES OF CREDIT USERS

Every consumer reporting agency shall maintain reasonable procedures designed to avoid violations of section 1681c of this title and to limit the furnishing of consumer reports to the purposes listed under section 1681b of this title. These procedures shall require that prospective users of the information identify themselves, certify the purposes for which the information is sought, and certify that the information will be used for no other purpose. Every consumer reporting agency shall make a reasonable effort to verify the identity of a new prospective user and the uses certified by such prospective user prior to furnishing such user a consumer report. No consumer reporting agency may furnish a consumer report to any person if it has reasonable grounds for believing that the consumer report will not be used for a purpose listed in section 1681b of this title.)

(b) ACCURACY OF REPORT

Whenever a consumer reporting agency prepares a consumer report it shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates.

(c) DISCLOSURE OF CONSUMER REPORTS BY USERS ALLOWED

A consumer reporting agency may not prohibit a user of a consumer report furnished by the agency on a consumer from disclosing the contents of the report to the consumer, if adverse action against the consumer has been taken by the user based in whole or in part on the report.

(d) NOTICE TO USERS AND FURNISHERS OF INFORMATION

(1) NOTICE REQUIREMENT A consumer reporting agency shall provide to any person—

(A) who regularly and in the ordinary course of business furnishes information to the agency with respect to any consumer; or

(B) to whom a consumer report is provided by the agency;

a notice of such person's responsibilities under this subchapter.

(2) CONTENT OF NOTICE

The Bureau shall prescribe the content of notices under paragraph (1), and a consumer reporting agency shall be in compliance with this subsection if it provides a notice under paragraph (1) that is substantially similar to the Bureau prescription under this paragraph.

(e) PROCUREMENT OF CONSUMER REPORT FOR RESALE

Exhibit 5

5. Federal law which entitles Plaintiff to compensation:

- a. \$1,000
- b. Punitive Damages
- c. The Costs of the Action
- d. Reasonable Attorney's Fees

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15 U.S. Code § 1681n - Civil liability for willful noncompliance | US Law | LII / Legal Information Institute

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U.S. Code › Title 15 › Chapter 41 › Subchapter III › § 1681n

15 U.S. Code § 1681n - Civil liability for willful noncompliance

(a) **IN GENERAL.** Any person who willfully fails to comply with any requirement imposed under this subchapter with respect to any consumer is liable to that consumer in an amount equal to the sum of—

(1)

(A) any actual damages sustained by the consumer as a result of the failure or damages of not less than \$100 and not more than \$1,000; or

(B) in the case of liability of a natural person for obtaining a consumer report under false pretenses or knowingly without a permissible purpose, actual damages sustained by the consumer as a result of the failure or \$1,000, whichever is greater;

(2) such amount of punitive damages as the court may allow; and

(3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

(b) CIVIL LIABILITY FOR KNOWING NONCOMPLIANCE

Any person who obtains a consumer report from a consumer reporting agency under false pretenses or knowingly without a permissible purpose shall be liable to the consumer reporting agency for actual damages sustained by the consumer reporting agency or \$1,000, whichever is greater.

(c) ATTORNEY'S FEES

Upon a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to the pleading, motion, or other paper.

(d) CLARIFICATION OF WILLFUL NONCOMPLIANCE

For the purposes of this section, any person who printed an expiration date on any receipt provided to a consumer cardholder at a point of sale or transaction between December 4, 2004, and June 3, 2008, but otherwise complied with the requirements of section 1681c(g) of this title for such receipt shall not be in willful noncompliance with section 1681c(g) of this title by reason of printing such expiration date on the receipt.

(Pub. L. 90–321, title VI, § 616, as added Pub. L. 91–508, title VI, § 601, Oct. 26, 1970, 84 Stat. 1134; amended Pub. L. 104–208, div. A, title II, § 2412(a)–(c), (e)(1), Sept. 30, 1996, 110 Stat. 3009–446; Pub. L. 110–241, § 3(a), June 3, 2008, 122 Stat. 1566.)

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Exhibit 6

6. United States Securities And Exchange Commission Press Release, March 14, 2018:

“Former Equifax Executive Charged With Insider Trading.”

- a. “Jun Ying, who was next in line to be the company’s global CIO, allegedly used confidential information entrusted to him by the company to conclude that Equifax has suffered a serious breach.”
- b. Shows Equifax knowingly violated the Federal Law in 15 U.S. Code § 1681 *supra*.
- c. Adds weight to punitive damages.
- d. This meets the Rule 803 public record exception to the rule against hearsay under the Federal Rules of Civil Procedure.

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7/16/2018

SEC.gov | Former Equifax Executive Charged With Insider Trading

Press Release

Former Equifax Executive Charged With Insider Trading

FOR IMMEDIATE RELEASE

2018-40

Washington D.C., March 14, 2018 — The Securities and Exchange Commission today charged a former chief information officer of a U.S. business unit of Equifax with insider trading in advance of the company's September 2017 announcement about a massive data breach that exposed the social security numbers and other personal information of about 148 million U.S. customers.

According to the SEC's complaint, Jun Ying, who was next in line to be the company's global CIO, allegedly used confidential information entrusted to him by the company to conclude that Equifax had suffered a serious breach. The SEC alleges that before Equifax's public disclosure of the data breach, Ying exercised all of his vested Equifax stock options and then sold the shares, reaping proceeds of nearly \$1 million. According to the complaint, by selling before public disclosure of the data breach, Ying avoided more than \$117,000 in losses.

"As alleged in our complaint, Ying used confidential information to conclude that his company had suffered a massive data breach, and he dumped his stock before the news went public," said Richard R. Best, Director of the SEC's Atlanta Regional Office. "Corporate insiders who learn inside information, including information about material cyber intrusions, cannot betray shareholders for their own financial benefit."

The U.S. Attorney's Office for the Northern District of Georgia today announced parallel criminal charges against Ying.

The SEC's complaint charges Ying with violating the antifraud provisions of the federal securities laws and seeks disgorgement of ill-gotten gains plus interest, penalties, and injunctive relief.

The SEC's investigation, which is continuing, has been conducted by Elizabeth Skola and Justin Jeffries. The litigation is being led by Shawn Murnahan and Graham Loomis. The SEC appreciates the assistance of the U.S. Attorney's Office for the Northern District of Georgia, Federal Bureau of Investigation, and Financial Industry Regulatory Authority.

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Related Materials

- SEC Complaint

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7. “Former Equifax Manager Charged With Insider Trading,” United States Securities And Exchange Commission Press Release, June 28, 2018.
 - a. “Sudhakar Reddy Bonthu traded on confidential information he received while creating a website for consumers impacted by a data breach.”
 - b. Shows Equifax knowingly violated the Federal Law in 15 U.S. Code § 1681 *supra*.
 - c. Adds weight to punitive damages.
 - d. This meets the Rule 803 public record exception to the rule against hearsay under the Federal Rules of Civil Procedure.

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7/16/2018

SEC.gov | Former Equifax Manager Charged With Insider Trading

Press Release

Former Equifax Manager Charged With Insider Trading

FOR IMMEDIATE RELEASE

2018-115

Washington D.C., June 28, 2018 — The Securities and Exchange Commission today charged a former Equifax manager with insider trading in advance of the company's September 2017 announcement of a massive data breach that exposed Social Security numbers and other personal information of approximately 148 million U.S. customers. This is the second case the SEC has filed arising from the Equifax data breach. In March, the former chief information officer of Equifax's U.S. business unit was charged with insider trading.

In a complaint filed in federal court in Atlanta today, the SEC charged that Equifax software engineering manager Sudhakar Reddy Bonthu traded on confidential information he received while creating a website for consumers impacted by a data breach.

According to the complaint, Bonthu was told the work was being done for an unnamed potential client, but based on information he received, he concluded that Equifax itself was the victim of the breach. The SEC alleges that Bonthu violated company policy when he traded on the non-public information by purchasing Equifax put options. Less than a week later, after Equifax publicly announced the data breach and its stock declined nearly 14 percent, Bonthu sold the put options and netted more than \$75,000, a return of more than 3,500 percent on his initial investment.

Bonthu, 44, was terminated from Equifax in March after refusing to cooperate with an internal investigation into whether he had violated the company's insider trading policy.

"As we allege, Bonthu, who was entrusted with confidential information by his employer, misused that information to conclude that his company had suffered a massive data breach and then sought to illegally profit," said Richard R. Best, Director of the SEC's Atlanta Regional Office. "Corporate insiders simply cannot abuse their access to sensitive information and illegally enrich themselves."

In a parallel proceeding, the U.S. Attorney's Office for the Northern District of Georgia filed criminal charges against Bonthu.

To settle the SEC's civil charges, Bonthu has agreed to a permanent injunction and to return his allegedly ill-gotten gains plus interest. The settlement is subject to court approval.

The SEC's investigation, which is continuing, has been conducted by Elizabeth Skola and Justin Jeffries. The litigation is being led by Shawn Murnahan and Graham Loomis. The SEC appreciates the assistance of the U.S. Attorney's Office for the Northern District of Georgia, Federal Bureau of Investigation, and Financial Industry Regulatory Authority.

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Related Materials

Exhibit 8

8. “Former Equifax manager pleads guilty to insider trading,” United States Attorney’s Office, Northern District of Georgia Press Release, July 23, 2018.
- a. Around August 30, 2017, Bonthu learned that at least 100 million individuals’ information was exposed as part of the breach and that the data included names and Social Security numbers.
 - b. On September 1, 2017, Bonthu bought 86 put options in Equifax stock that expired on September 15, 2017. Those put options allowed him to profit if the value of Equifax stock dropped within that two-week period. Equifax publicly disclosed the data breach on September 7, 2017, and its stock fell the next day. Bonthu then exercised his put options, realizing a profit of more than \$75,000.

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Department of Justice

U.S. Attorney's Office

Northern District of Georgia

FOR IMMEDIATE RELEASE

Monday, July 23, 2018

Former Equifax manager pleads guilty to insider trading

ATLANTA - Sudhakar Reddy Bonthu, a former manager at Equifax, pleaded guilty today to a charge of insider trading based on his purchases of options ahead of Equifax's public announcement of its data breach.

"Bonthu was privy to nonpublic information pertaining to Equifax's data breach, and he violated the law when he used that knowledge to enrich himself," said U.S. Attorney Byung J. "BJay" Pak. "Our office will continue investigate and prosecute those who take advantage of their positions for illegal gain."

"Our message with this case is simple - company insiders must follow the same rules that govern regular investors, otherwise the public's confidence in the stock market erodes," said Murang Pak, Acting Special Agent in Charge of FBI Atlanta. "If they don't, the FBI and its federal partners are determined to investigate them and hold them accountable."

"Bonthu used confidential information to determine that his company had suffered a massive data breach and then violated company policy to illegally profit from it," said Richard R. Best, Director of the Securities and Exchange Commission's Atlanta Regional Office. "Corporate employees cannot take advantage of their access to sensitive information and unlawfully benefit from it."

According to U.S. Attorney Pak, the charges, and other information presented in court: Equifax Inc. is a consumer credit reporting agency headquartered in Atlanta. During the summer of 2017, Equifax was the victim of a data breach, where hackers acquired names, Social Security numbers, birth dates, and addresses of over 145 million consumers.

Sudhakar Reddy Bonthu was a software development manager for Equifax's Global Consumer Services team in August 2017. In that role, he was entrusted with information that resulted in him concluding that Equifax was the victim of a data breach. On August 25, 2017, Bonthu and other Equifax employees were asked to assist in responding to the breach, although he was not directly informed that Equifax had been breached. On August 25, 2017, Bonthu was informed that the target date for announcing the breach publicly was September 6, 2017. Around August 30, 2017, Bonthu learned that at least 100 million individuals' information was exposed as part of the breach and that the data included names and Social Security numbers. The next day, Bonthu received an email related to his work on the breach with a file attached named "EFXDataBreach.postman_collection." "EFX" is the stock ticker symbol for Equifax.

8/10/2018

Former Equifax manager pleads guilty to insider trading | USAO-NDGA | Department of Justice

On September 1, 2017, Bonthu bought 86 put options in Equifax stock that expired on September 15, 2017. Those put options allowed him to profit if the value of Equifax stock dropped within that two-week period. Equifax publicly disclosed the data breach on September 7, 2017, and its stock fell the next day. Bonthu then exercised his put options, realizing a profit of more than \$75,000.

Sudhakar Reddy Bonthu, 44, of Atlanta, Georgia is scheduled to be sentenced on October 18, 2018, at 2:00 p.m. before U.S. District Judge Amy Totenberg.

This case is being investigated by the Federal Bureau of Investigation, with assistance from the U.S. Securities and Exchange Commission.

Assistant U.S. Attorney Christopher J. Huber, Deputy Chief of the Complex Frauds Section, and Assistant U.S. Attorney Lynsey M. Barron are prosecuting the case.

For further information please contact the U.S. Attorney's Public Affairs Office at USAGAN.PressEmails@usdoj.gov or (404) 581-6016. The Internet address for the U.S. Attorney's Office for the Northern District of Georgia is <http://www.justice.gov/usao-ndga>.

Topic(s):

Financial Fraud

Component(s):USAO - Georgia, Northern

Updated July 23, 2018

2018 JAN 14 11:56 AM
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Case Number: 195100235971

Christopher D Eustice
Plaintiff
vs.

Defendant

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§In the Justice Court
Harris County, Texas
Precinct 5, Place 1**Statement of Inability to Afford Payment of
Court Costs or an Appeal Bond****1. Your Information**My full legal name is: Christopher David Eustice My date of birth is: 09 / 02 / 1993
First Middle Last Month/Day/YearMy address is: (Home) 655 West Forest Dr. Houston, TX 77079(Mailing) 655 West Forest Dr. Houston, TX 77079My phone number: 832-259-1634 My email: chris.eustice@sbcglobal.netAbout my **dependents**: "The people who depend on me financially are listed below."

| Name | Age | Relationship to Me |
|-------------------------------|-----------|-----------------------|
| 1 <u>David Robert Eustice</u> | <u>68</u> | <u>Retired Father</u> |
| 2 <u>2 Dogs and 2 Cats</u> | | <u>House Pets</u> |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |

2. Are you represented by Legal Aid?☐ I am being represented in this case for free by an attorney who works for a legal aid provider or who received my case through a legal aid provider. I have attached the certificate the legal aid provider gave me as 'Exhibit: Legal Aid Certificate.'

-or-

☐ I asked a legal-aid provider to represent me, and the provider determined that I am financially eligible for representation, but the provider could not take my case. I have attached documentation from legal aid stating this.

or-

☒ I am not represented by legal aid. I did not apply for representation by legal aid.**3. Do you receive public benefits?**☐ I do not receive needs-based public benefits. - or -☒ I receive these **public benefits/government entitlements** that are based on indigency:

(Check ALL boxes that apply and attach proof to this form, such as a copy of an eligibility form or check.)

- ☐ Food stamps/SNAP ☐ TANF ☐ Medicaid ☐ CHIP ☐ SSI ☐ WIC ☐ AABD
- ☐ Public Housing or Section 8 Housing ☐ Low-Income Energy Assistance ☐ Emergency Assistance
- ☐ Telephone Lifeline ☐ Community Care via DADS ☐ LIS in Medicare ("Extra Help")
- ☐ Needs-based VA Pension ☐ Child Care Assistance under Child Care and Development Block Grant
- ☐ County Assistance, County Health Care, or General Assistance (GA)
- ☒ Other: _____

4. What is your monthly income and income sources?

"I get this monthly income:

\$ N/A in monthly wages. I work as a President/CEO for OpticsandAmmo, LLC.
Your job title Your employer\$ 0 in monthly unemployment. I have been unemployed since (date) _____.\$ 500 in public benefits per month.\$ 0 from other people in my household each month: (List only if other members contribute to your household income.)

\$ 0 from ☐ Retirement/Pension ☐ Tips, bonuses ☐ Disability ☐ Worker's Comp
☐ Social Security ☐ Military Housing ☐ Dividends, interest, royalties
☐ Child/spousal support
☐ My spouse's income or income from another member of my household (if available)

\$ N/A from other jobs/sources of income. (Describe) _____\$ N/A is my total monthly income.

Net Income was Negative \$25000 in April 2019

5. What is the value of your property?

"My property includes:

| | Value* |
|--|--------------------|
| Cash | \$ <u>N/A</u> |
| Bank accounts, other financial assets | |
| <u>\$45,000 in personal</u> | \$ <u>\$45,000</u> |
| <u>bank accounts</u> | \$ _____ |
| | \$ _____ |
| Vehicles (cars, boats) (make and year) | |
| <u>I do not own the</u> | \$ _____ |
| <u>title to any vehicles</u> | \$ _____ |
| | \$ _____ |
| Other property (like jewelry, stocks, land, another house, etc.) | |
| <u>My parents own everything</u> | \$ <u>N/A</u> |
| | \$ _____ |
| | \$ _____ |

Total value of property \$ Not Sure**6. What are your monthly expenses?**

"My monthly expenses are:

| | Amount |
|--------------------------------------|----------|
| Rent/house payments/maintenance | \$ _____ |
| Food and household supplies | \$ _____ |
| Utilities and telephone | \$ _____ |
| Clothing and laundry | \$ _____ |
| Medical and dental expenses | \$ _____ |
| Insurance (life, health, auto, etc.) | \$ _____ |
| School and child care | \$ _____ |
| Transportation, auto repair, gas | \$ _____ |
| Child / spousal support | \$ _____ |
| Wages withheld by court order | \$ _____ |
| Debt payments paid to: (List) | \$ _____ |
| | \$ _____ |
| | \$ _____ |

Total/Monthly Expenses \$ 20,000

*The value is the amount the item would sell for less the amount you still owe on it, if anything.

7. Are there debts or other facts explaining your financial situation?

"My debts include: (List debt and amount owed) I have a lot of debt from college and business expenses. I'm
a full time college student and I've been a full time college student for the past 7 years. My father is
retired and my mother may retire soon. I have medical expenses from a physical injury and other "
legal expenses.

If you want the court to consider other facts, such as unusual medical expenses, family emergencies, etc., attach another page to this form labeled "Exhibit: Additional Supporting Facts." **Check here if you attach another page.** ☐

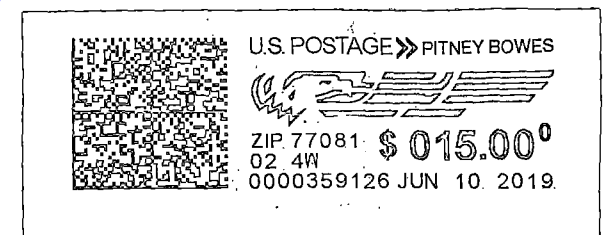
8. Declaration

I declare under penalty of perjury that the foregoing is true and correct. I further swear:

☒ I cannot afford to pay court costs.☒ I cannot furnish an appeal bond or pay a cash deposit to appeal a justice court decision.My name is Christopher D Eustice My date of birth is: 09 / 02 / 1993

My address is 655 West Forest Dr. Houston, TX 77079 USA
 Street City State Zip Code Country

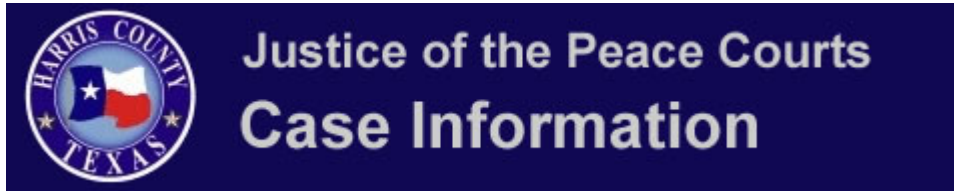
► Chris Eustice signed on 6 / 9 / 19 in Harris County, TX
 Signature Month/Day/Year county name State



Equifax Inc.
211 E. 7th Street, Suite 620
Austin, TX 78701-3218
Attn: Prentice-Hall Corporation System

5/0

EXHIBIT D

**Case Summary for 195100235971 as of June 20, 2019 1:15:05 AM :****General Case Information**

Case Number: 195100235971
Court Info: [Click here to visit court web site.](#)
Style of Case: Christopher Eustice, Cathy Eustice vs. Equifax Inc.
Filed Date: June 10, 2019
Days Old: 10
Case Status: Active
Disposition:
Disposition Date:
Judgment Date:

Civil Information

Nature of Claim: Small Claims
Claim Amount: \$9,975.00

Party Information

| | |
|--------------------|----------------------|
| Party Name: | Eustice, Christopher |
| Party Type: | Plaintiff |

| | |
|--------------------|--------------|
| Party Name: | Equifax Inc. |
| Party Type: | Defendant |

| | |
|--------------------|----------------|
| Party Name: | Eustice, Cathy |
| Party Type: | Plaintiff |

Hearing Information

Payment Information

Event Information

Event Description: Citation

Date Added: June 10, 2019

Event Description: Citation by Certified Mail

Date Added: June 10, 2019

Event Description: Citation by Certified Mail

Date Added: June 10, 2019

Event Description: Original Petition - Efile

Date Added: June 10, 2019

Event Description: Original Petition Filed

Date Added: June 10, 2019

Event Description: Small Claims-Citation Money Damages

Date Added: June 10, 2019

Event Description: Service Return

Date Added: June 13, 2019

Bond Information

Judgment Information

Disclaimer

Although Harris County Justice of the Peace Courts make every effort to ensure that information provided is accurate, neither Harris County nor any agency, officer, elected official or employee of Harris County, warrants the accuracy, reliability, or timeliness of any information on this web site and shall not be liable for any losses caused by such reliance on the accuracy, reliability or timeliness of such information, including, but not limited to incidental and consequential damages. This publication is provided "as is" without warranty of any kind, either expressed or implied, including, but not limited to, the implied warranties of merchantability, fitness for a particular purpose or non-infringement.

Any person who relies on information obtained from this website does so at his or her own risk. In addition, nothing contained within this web site is an official record of Harris County or the elected officials responsible therefore. All official records of Harris County and the offices of countywide elected officials are on file in their respective offices and may be reviewed by the public at those offices.

Please note: Because case status may change at any time, the case information displayed may not be accurate. If you have any questions about the case status shown, you should verify the information with the official case record.

EXHIBIT E

Eustice v. Equifax Inc. - List of All Counsel of Record

Plaintiff

Pro se
Christopher Eustice
655 West Forest Drive
Houston, Texas 77079
chris.eustice@sbcglobal.net

For Defendant

Christie Cardon
Attorney In Charge
State Bar No. 24036326
S.D. Tex. Bar No. 567834
KING & SPALDING LLP
1100 Louisiana, Suite 4000
Houston, Texas 77002
(713) 751-3200
(713) 751-3290 – Fax
ccardon@kslaw.com

Samantha Porphy Ade
State Bar No. 24065918
S.D. Tex. Bar No. 2573149
500 West 2nd Street, Suite 1800
Austin, Texas 78701
Phone: (512) 457-2000
Fax: (512) 457-2100
sade@kslaw.com

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CHRISTOPHER EUSTICE,
DAVID EUSTICE,

Plaintiffs,

v.

EQUIFAX INC.,

Defendant.

§
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CIVIL CASE NO. 4:19-cv-02248

NOTICE OF REMOVAL

Defendant, Equifax Inc., by Counsel, hereby files this Notice of Removal of this action from Harris County Justice Court, Precinct 5, Place 1, wherein it is now pending as Cause No. 195100235956, to the United States District Court for the Southern District of Texas. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. In support hereof, Defendant shows this Court as follows:

1. An action was filed on June 10, 2019, in the Harris County Justice Court, Precinct 5, Place 1, entitled *Christopher Eustice; David Eustice v. Equifax, Inc.*, Cause No. 195100235956 (the “State Court Action”).

2. Equifax Inc. was served with the Petition no earlier than June 13, 2019.

3. This Notice is being filed with this Court within thirty (30) days after Equifax Inc. was served with a copy of Plaintiffs’ initial pleading setting forth the grounds for his action and his claims for relief.

4. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1331, in that this is a civil action arising under the Constitution, laws, or treaties of the United States:

(a) Plaintiffs' Petition, on its face, alleges "violation(s) of FCRA" and "violations of the Fair Credit Reporting Act ('FCRA')." (*See* Plaintiffs' Small Claims Petition, attached hereto as Exhibit C).

(b) The FCRA, pursuant to 15 U.S.C. § 1681p, provides that any action alleging a violation of its provisions "may be brought in any appropriate United States district court, without regard to the amount in controversy."

5. Pursuant to 28 U.S.C. § 1441(a), venue of the removal action is proper in the United States District Court for the Southern District of Texas because the county from which the State Court Action is being removed (Harris County) lies within that federal court's jurisdiction.

6. Promptly after the filing of this Notice of Removal, Equifax Inc. shall give written notice of the removal to Plaintiffs and to the Clerk of the Justice Court, Precinct 5, Place 1, Harris County, Texas, as required by 28 U.S.C. § 1446(d).

7. Equifax is the only defendant, and it consents to removal.

8. In accordance with Local Rule 81, the following documents are attached to this Notice of Removal: (a) all executed process in this case; (b) all pleadings and answers; (c) all orders signed by the state judge; (d) the docket sheet; (e) an Index of Matters Being Filed; and (f) a list of all counsel of record.

WHEREFORE, Defendant Equifax Inc. requests that the above-described action be removed to this Court.

Dated: June 21, 2019

KING & SPALDING LLP

/s/ Samantha Ade

Christie Cardon

Attorney In Charge

State Bar No. 24036326

S.D. Tex. Bar No. 567834

KING & SPALDING LLP

1100 Louisiana, Suite 4000

Houston, Texas 77002

(713) 751-3200

(713) 751-3290 – Fax

ccardon@kslaw.com

Samantha Porphy Ade

State Bar No. 24065918

S.D. Tex. Bar No. 2573149

500 West 2nd Street, Suite 1800

Austin, Texas 78701

Phone: (512) 457-2000

Fax: (512) 457-2100

sade@kslaw.com

Attorneys for Defendant Equifax Inc.

CERTIFICATE OF SERVICE

This is to certify that on this 21st day of June, 2019, I electronically filed a true and correct copy of the foregoing with the Clerk of the Court using the CM/ECF system and served same by depositing a copy into the U.S. Mail with appropriate postage affixed to the following:

Christopher Eustice
655 West Forest Drive
Houston, Texas 77079
chris.eustice@sbcglobal.net

/s/ Samantha Porphy Ade
Samantha Porphy Ade

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Christopher Eustice, David Eustice

(b) County of Residence of First Listed Plaintiff Harris County, Texas

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro se, 655 West Forest Drive
Houston, Texas 77063
(832) 259-1634**DEFENDANTS**

Equifax Inc.

County of Residence of First Listed Defendant Fulton County, GA

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

King & Spalding LLP - Christie L. Cardon
1100 Louisiana, Suite 4000
Houston, Texas 77002**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|--|---|---|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. Section 1681 et seq.

Brief description of cause:

Violations of the Fair Credit Reporting Act relating to data breach

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
9,975.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE In re Equifax; N.D. Ga.; cont'd on table DOCKET NUMBER MDL No. 2800

DATE

06/21/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Samantha Ade

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Table of Related Cases

| Multidistrict litigation proceedings related to the same data security incident that Equifax announced on September 7, 2017. | |
|--|--------------------|
| Case Name | Case Number |
| <i>In re Equifax Inc., Customer Data Security Breach Litigation</i> | MDL No. 2800 |
| The cases listed below allege claims identical to those listed in this case and are being concurrently removed on the same basis. All of these cases were filed in the Justice Court for Harris County, Texas, Precinct 5, Place 1, and were or are concurrently being removed to the Southern District of Texas, Houston Division. | |
| Case Name | Case Number |
| <i>Christopher Eustice, Travis Hubbard v. Equifax Inc.</i> | 195100235975 |
| <i>Christopher Eustice, Cathy Eustice v. Equifax Inc.</i> | 195100235971 |
| The cases listed below alleged similar claims to those listed in this case and have been transferred to MDL No. 2800, <i>In re Equifax Customer Data Security Breach Litigation</i> from the Southern District of Texas | |
| Case Name | Case Number |
| <i>Forrest v. Equifax, Inc.</i> | 4:18-cv-00817 |
| <i>George W. Wilhite v. Equifax Inc.</i> | 4:18-cv-02062 |
| <i>Todd R. Wilhite v. Equifax Inc.</i> | 4:18-cv-02067 |
| <i>Jay Travis Wilhite v. Equifax Inc.</i> | 4:18-cv-02077 |
| <i>Paul William Bishop v. Equifax Inc.</i> | 4:18-cv-02079 |
| <i>Erin Wilhite v. Equifax Inc.</i> | 4:18-cv-02080 |
| <i>Cowherd v. Equifax Inc.</i> | 4:18-cv-02230 |

EXHIBIT A

Christopher Eustice, David Eustice v. Equifax - Index of Matters Being Filed

| Exhibit | Description |
|----------------|---|
| B | All executed process in the State Court Action |
| C | All pleadings in the State Court Action |
| | No answer or signed orders were filed in the State Court Action |
| D | State Court Action docket sheet |
| E | List of all counsel of record |

EXHIBIT B

Case Number: 195100235956

Christopher Eustice; David Eustice
Plaintiff
vs.
Equifax Inc.
Defendant

§
§
§
§
§
§
§

In the Justice Court
Harris County, Texas
Precinct 5, Place 1
6000 Chimney Rock Road
Suite 102
Houston, TX 77081
713-661-2276

Citation (Small Claims Case)

THE STATE OF TEXAS
COUNTY OF HARRIS

**TO: ANY SHERIFF, CONSTABLE, PROCESS SERVER CERTIFIED UNDER ORDER OF THE SUPREME COURT,
OTHER PERSON AUTHORIZED BY COURT ORDER, OR CLERK:**

Deliver this citation, together with a copy of the petition, to:

Equifax Inc.
14755 Preston Rd Ste 525
Dallas TX 75254

Serve: 211 E. 7th Street, Suite 620
Austin, Tx. 78701-3218
Prentice-Hall Corporation System

TO THE DEFENDANT:

You have been sued. You are commanded to appear by filing a written answer to the petition filed by Plaintiff with the Clerk of the Court on or before the end of the 14th day after the date of service of this citation. If you fail to file an answer as required, a judgment by default may be rendered for the relief demanded in the petition.

Date Petition Filed: 06/10/2019

Nature of demand made by Plaintiff(s): money owed in the amount of \$9,975.00. A copy of the petition is attached.

Notice

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult the Texas Rules of Civil Procedure, Part V, Rules of Practice in Justice Courts. A copy of the Rules is available at <http://www.jp.hctx.net/> or at the Justice Court.

Date: 6/10/2019



/s/ Stacy Sustaita

Clerk of the Court
Harris County Justice Court
Precinct 5, Place 1

Address of Plaintiff

655 West Forest Dr
Houston TX 77079;
655 West Forest Dr
Houston TX 77079

Address of Plaintiff's Attorney

Christopher Eustice
655 West Forest Dr
Houston TX 77079

Case Number: 195100235956

Christopher Eustice; David Eustice
Plaintiff
vs.
Equifax Inc.
Defendant

§
§
§
§
§
§
§

In the Justice Court
Harris County, Texas
Precinct 5, Place 1
6000 Chimney Rock Road
Suite 102
Houston, TX 77081
713-661-2276

Citation (Small Claims Case)

THE STATE OF TEXAS
COUNTY OF HARRIS

TO: ANY SHERIFF, CONSTABLE, PROCESS SERVER CERTIFIED UNDER ORDER OF THE SUPREME COURT,
OTHER PERSON AUTHORIZED BY COURT ORDER, OR CLERK:

Deliver this citation, together with a copy of the petition, to:

Equifax Inc.
14755 Preston Rd Ste 525
Dallas TX 75254

Serve: 211 E. 7th Street, Suite 620
Austin, Tx. 78701-3218
Prentice-Hall Corporation System

TO THE DEFENDANT:

You have been sued. You are commanded to appear by filing a written answer to the petition filed by Plaintiff with the Clerk of the Court on or before the end of the 14th day after the date of service of this citation. If you fail to file an answer as required, a judgment by default may be rendered for the relief demanded in the petition.

Date Petition Filed: 06/10/2019

Nature of demand made by Plaintiff(s): money owed in the amount of \$9,975.00. A copy of the petition is attached.

Notice

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult the Texas Rules of Civil Procedure, Part V, Rules of Practice in Justice Courts. A copy of the Rules is available at <http://www.jp.hctx.net/> or at the Justice Court.

Date: 6/10/2019



/s/ Stacy Sustaita

Clerk of the Court
Harris County Justice Court
Precinct 5, Place 1

Address of Plaintiff

655 West Forest Dr
Houston TX 77079;
655 West Forest Dr
Houston TX 77079

Address of Plaintiff's Attorney

Christopher Eustice
655 West Forest Dr
Houston TX 77079

EXHIBIT C

Case Number: 195100235956

Christopher Eustice; David Eustice
Plaintiff
vs.
Equifax Inc.
Defendant

§
§
§
§
§
§
§

In the Justice Court
Harris County, Texas
Precinct 5, Place 1
6000 Chimney Rock Road
Suite 102
Houston, TX 77081
713-661-2276

Citation (Small Claims Case)

THE STATE OF TEXAS
COUNTY OF HARRIS

TO: ANY SHERIFF, CONSTABLE, PROCESS SERVER CERTIFIED UNDER ORDER OF THE SUPREME COURT,
OTHER PERSON AUTHORIZED BY COURT ORDER, OR CLERK:

Deliver this citation, together with a copy of the petition, to:

Equifax Inc.
14755 Preston Rd Ste 525
Dallas TX 75254

Serve: 211 E. 7th Street, Suite 620
Austin, Tx. 78701-3218
Prentice-Hall Corporation System

TO THE DEFENDANT:

You have been sued. You are commanded to appear by filing a written answer to the petition filed by Plaintiff with the Clerk of the Court on or before the end of the 14th day after the date of service of this citation. If you fail to file an answer as required, a judgment by default may be rendered for the relief demanded in the petition.

Date Petition Filed: 06/10/2019

Nature of demand made by Plaintiff(s): money owed in the amount of \$9,975.00. A copy of the petition is attached.

Notice

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Date: 6/10/2019



/s/ Stacy Sustaita

Clerk of the Court
Harris County Justice Court
Precinct 5, Place 1

Address of Plaintiff

655 West Forest Dr
Houston TX 77079;
655 West Forest Dr
Houston TX 77079

Address of Plaintiff's Attorney

Christopher Eustice
655 West Forest Dr
Houston TX 77079

Case Number: 195100235956

Christopher Eustice; David Eustice
Plaintiff
vs.
Equifax Inc.
Defendant

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§

In the Justice Court
Harris County, Texas
Precinct 5, Place 1
6000 Chimney Rock Road
Suite 102
Houston, TX 77081
713-661-2276

Citation (Small Claims Case)

THE STATE OF TEXAS
COUNTY OF HARRIS

TO: ANY SHERIFF, CONSTABLE, PROCESS SERVER CERTIFIED UNDER ORDER OF THE SUPREME COURT,
OTHER PERSON AUTHORIZED BY COURT ORDER, OR CLERK:

Deliver this citation, together with a copy of the petition, to:

Equifax Inc.
14755 Preston Rd Ste 525
Dallas TX 75254

Serve: 211 E. 7th Street, Suite 620
Austin, Tx. 78701-3218
Prentice-Hall Corporation System

TO THE DEFENDANT:

You have been sued. You are commanded to appear by filing a written answer to the petition filed by Plaintiff with the Clerk of the Court on or before the end of the 14th day after the date of service of this citation. If you fail to file an answer as required, a judgment by default may be rendered for the relief demanded in the petition.

Date Petition Filed: 06/10/2019

Nature of demand made by Plaintiff(s): money owed in the amount of \$9,975.00. A copy of the petition is attached.

Notice

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Date: 6/10/2019



/s/ Stacy Sustaita

Clerk of the Court
Harris County Justice Court
Precinct 5, Place 1

Address of Plaintiff

655 West Forest Dr
Houston TX 77079;
655 West Forest Dr
Houston TX 77079

Address of Plaintiff's Attorney

Christopher Eustice
655 West Forest Dr
Houston TX 77079

Small Claims Petition

195100235956
NO. _____

Christopher D. Eustice
David Robert Eustice
Plaintiff(s)
vs.
Equifax Inc.
Defendant(s)
Plaintiff: Christopher D. Eustice and David Robert Eustice

§ In the Justice Court of Harris County, Texas
§ Precinct 5 Place 1
§
§
§
§

Describe the legal nature of the plaintiff (e.g., individual, sole proprietorship, partnership, corporation)
Individual

Defendant: Equifax Inc.
Address: 14755 Preston Rd. Ste 525
City: Dallas State: TX Zip: 75254 Date of Birth (if applicable): _____

Describe the legal nature of the defendant (e.g., individual, sole proprietorship, partnership, corporation)
Corporation

*Defendant may be served by serving Prentice-Hall Corporation System
(state the name of the defendant if defendant is an individual, or state the name and title of the person who is authorized to receive service of process for the defendant if defendant is a partnership, limited partnership, corporation, or limited liability company), who may be served at
211 E. 7th Street, Suite 620 AUSTIN, TX 78701-3218
(state the address for service of process).
The defendant's usual place of business or residence, or other place where defendant can probably be found is _____

Cause of Action

(State the cause of action in plain and concise language, sufficient to give fair notice of the claim and to provide enough information to enable the defendant to prepare a defense. You may include information showing venue is proper in the Justice of the Peace Precinct in which you are filing. If you are seeking personal property, you must describe the property and state the value of the property.)

Willful Injury-FCRA Section 623 and Cushman V. Transunion Corporation US Court of Appeals for the Third
Circuit Court Case 115 F.3d 220 June 9, 1997, Filed (D.C. No. 95-cv-01743).

Violation(s) of FCRA, including but not limited to Part (A)(5)(B)(ii) and FCRA Section 611 Part (A)(1)

Breach of Oral Contract for a Service not lasting more than a year and Breach of Written Contract

Violations(s) of Texas Business and Commerce Code ch. 20, Personal Injury Tort Claims

Relief Requested (Describe the relief you are requesting, itemizing the amount of damages you are seeking.)

\$9,975 Monetary Damages Resulting from Equifax Data Breach and from Furnishing incorrect data on credit report

Respectfully submitted,

Chris Eustice
Signature of Plaintiff or Plaintiff's Attorney of Record
Address: 655 West Forest Dr. Houston, TX 77079

Printed Name: Christopher D. Eustice
State Bar No. _____

Telephone: 832-259-1634

Fax Number: _____

E-Mail Address: chris.eustice@sbcglobal.net

☒ Plaintiff consents to the e-mail service of the answer and any other motions or pleadings to this e-mail address.

Violations of the Fair Credit Reporting Act ("FCRA")

Defendant is a "Consumer Reporting Agency" and Plaintiff is a "Consumer" under FCRA. Defendant processed Plaintiff's credit information and compromised Plaintiff's personal information, violating the FCRA by (1) failing to follow reasonable procedures, such as patching a critical software vulnerability which was widely known as early as March 7, to keep Plaintiff's consumer data confidential, (2) allowing Plaintiff's data to be breached in May of 2017, and (3) failing to tell the public, including Plaintiff, about the breach until September of 2017. See 15 U.S.C. § 1681e(a).

JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

RECEIVED OR FILED
JUSTICE OF THE PEACE 5-1
HARRIS COUNTY, TEXAS
6/10/2019 12:00 AM

195100235956

CAUSE NUMBER (FOR CLERK USE ONLY): _____

STYLED

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:

Name: Christopher D. Eustice Telephone: 832-259-1634

Address: 655 West Forest Dr. Fax:

City/State/Zip: Houston, TX 77079 State Bar No:

Email: chris.eustice@sbcglobal.net

Signature: *Chris Eustice*

2. Names of parties in case:

Plaintiff(s): Christopher D. Eustice

David Robert Eustice

Defendant(s): Equifax Inc.

[Attach additional page as necessary to list all parties]

3. Indicate case type, or identify the most important issue in the case (select only 1):

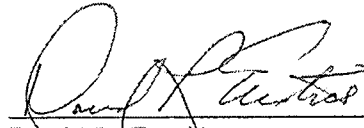
☐ **Debt Claim:** A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.

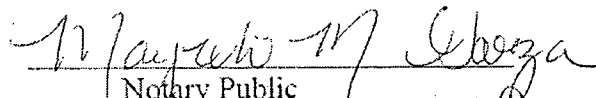
☐ **Eviction:** An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.

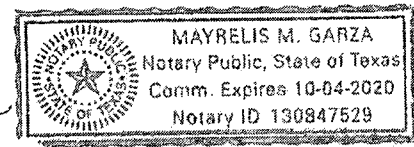
☐ **Repair and Remedy:** A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.

☒ **Small Claims:** A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.

Christopher David Eustice, who lives at 655 West Forest Dr. Houston TX 77079, is my authorized agent and has my power of attorney for small claims lawsuits filed in Harris County Justice Courts on behalf of David Robert Eustice, who lives at 655 West Forest Dr. Houston, TX 77079.


David R. Eustice


Notary Public
Printed Name: Mayrelis M. Garza



My name is David Robert Eustice. I, being of sound mind, checked defendant Equifax, Inc.'s breach notice website www.equifaxsecurity2017.com and confirmed that my data was breached in the 2017 Equifax Breach expressed in my Small Claims Petition.

Further, I affirm and attest that I suffered mental anguish damages because of Equifax's failure to keep my private and sensitive information safe and secure.

Additionally, I affirm and declare mental anguish in the following personal ways:

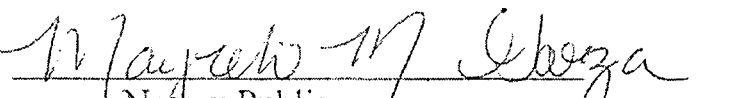
I have had to constantly check all of my banking and financial information on a constant basis since the data breach. I am very fearful of my identity being stolen by someone else. I have sleepless nights constantly worrying about how I could lose everything that I've worked so hard to obtain. This will be a problem forever due to the Equifax Data Breach.

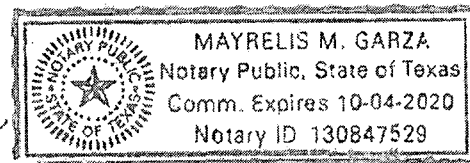
Date: 5/29/2019

My Signature: _____



SUBSCRIBED AND SWORN TO BEFORE ME, on May 29, 2019.


Notary Public
Printed Name: Mayrelis M. Garza



Plaintiff's Representative's Affidavit of Evidence and Law

My name is Christopher D. Eustice and I am the representative of record for the Plaintiff.

I affirm and attest that the following documents are true and correct copies of websites, articles, and statements containing relevant information to Defendant Equifax, Inc.'s 2017 breach of my client's private information:

1. Equifax Admission to the Public: "Equifax Releases Details on Cybersecurity Incident, Announces Personnel Changes"

a. Shows Apache Struts vulnerability was known for at least four months to the cyber security industry before Equifax was hacked and took remedial measures to protect consumer information.

b. This is a statement by a party opponent, which is not hearsay under Rule 801 of the Federal Rules of Civil Procedure.

2. Equifax Admission to the United States Securities and Exchange Commission:

"EQUIFAX'S STATEMENT FOR THE RECORD REGARDING THE EXTENT OF THE CYBERSECURITY INCIDENT ANNOUNCED ON SEPTEMBER 7, 2017."

a. Shows the scope and content of the breach.

b. This is a statement by a party opponent, which is not hearsay under Rule 801 of the Federal Rules of Civil Procedure.

3. Hitachi Systems Security Article, "Equifax is Likely the Largest and Most Preventable Breach on Record."

a. Explains that the Apache Struts vulnerability was widely known to the cyber security industry, which Equifax failed to patch and the outrageousness of the failure.

4. Federal law requiring reasonable procedures for meeting the needs of commerce for consumer credit.

5. Federal law which entitles Plaintiff to compensation:

a. \$1,000

b. Punitive Damages

c. The Costs of the Action

d. Reasonable Attorney's Fees

6. United States Securities And Exchange Commission Press Release, March 14, 2018:

"Former Equifax Executive Charged With Insider Trading."

a. "Jun Ying, who was next in line to be the company's global CIO, allegedly used confidential information entrusted to him by the company to conclude that Equifax has suffered a serious breach."

b. Shows Equifax knowingly violated the Federal Law in 15 U.S. Code § 1681 supra.

c. Adds weight to punitive damages.

d. This meets the Rule 803 public record exception to the rule against hearsay under the Federal Rules of Civil Procedure.

7. "Former Equifax Manager Charged With Insider Trading," United States Securities And Exchange Commission Press Release, June 28, 2018.

a. "Sudhakar Reddy Bonthu traded on confidential information he received while creating a website for consumers impacted by a data breach."

b. Shows Equifax knowingly violated the Federal Law in 15 U.S. Code § 1681 supra.

c. Adds weight to punitive damages.

d. This meets the Rule 803 public record exception to the rule against hearsay under the Federal Rules of Civil Procedure.

8. "Former Equifax manager pleads guilty to insider trading," United States Attorney's Office, Northern District of Georgia Press Release, July 23, 2018.

a. Around August 30, 2017, Bonthu learned that at least 100 million individuals' information was exposed as part of the breach and that the data included names and Social Security numbers.

b. On September 1, 2017, Bonthu bought 86 put options in Equifax stock that expired on September 15, 2017. Those put options allowed him to profit if the value of Equifax stock dropped within that two-week period. Equifax publicly disclosed the data breach on September 7, 2017, and its stock fell the next day. Bonthu then exercised his put options, realizing a profit of more than \$75,000.

Date: 6/7/2019

My Signature:

Chris Eustice

Mayrelis M. Garza
Notary Public
Printed Name: Mayrelis M. Garza

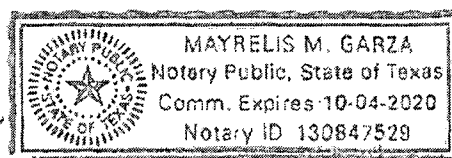


Exhibit 1

1. Equifax Admission to the Public: "Equifax Releases Details on Cybersecurity Incident, Announces Personnel Changes"
 - a. Shows Apache Struts vulnerability was known for at least four months to the cyber security industry before Equifax was hacked and took remedial measures to protect consumer information.
 - b. This is a statement by a party opponent, which is not hearsay under Rule 801 of the Federal Rules of Civil Procedure.

2019 JAN 14 11:56 AM
HARRIS COUNTY CLERK
JAN 14 2019
JAN 14 2019

6/14/2018

Equifax Releases Details on Cybersecurity Incident, Announces Personnel Changes | Equifax

Equifax Releases Details on Cybersecurity Incident, Announces Personnel Changes

Sep 15, 2017

ATLANTA, Sept. 15, 2017 /PRNewswire/ -- As part of the company's ongoing review of the cybersecurity incident announced September 7, 2017, Equifax Inc. (NYSE: EFX) today made personnel changes and released additional information regarding its preliminary findings about the incident.



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Officer. Mr. Ayres most recently served as a Vice President in the IT organization at Equifax. He will report directly to the Chief Information Officer. The personnel changes are effective immediately.

Equifax's internal investigation of this incident is still ongoing and the company continues to work closely with the FBI in its investigation.

Specific Details of Incident:

- On July 29, 2017, Equifax's Security team observed suspicious network traffic associated with its U.S. online dispute portal web application. In response, the Security team investigated and blocked the suspicious traffic that was identified.
- The Security team continued to monitor network traffic and observed additional suspicious activity on July 30, 2017. In response, the company took offline the affected web application that day.
- The company's internal review of the incident continued. Upon discovering a vulnerability in the Apache Struts web application framework as the initial attack vector, Equifax patched the affected web application before bringing it back online.
- On August 2, 2017, Equifax contacted a leading, independent cybersecurity firm, Mandiant, to assist in conducting a privileged, comprehensive forensic review to determine the scope of the intrusion, including the specific data impacted.
- Over several weeks, Mandiant analyzed available forensic data to identify unauthorized activity on the network.
- The incident potentially impacts personal information relating to 143 million U.S. consumers -- primarily names, Social Security numbers, birth dates, addresses and, in some instances, driver's license numbers.
 - In addition, credit card numbers for approximately 209,000 U.S. consumers, and certain dispute documents with personal identifying information for approximately 182,000 U.S. consumers, were accessed.